

Brewer Deposition

Day 1

EXHIBIT A

Page 1

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF PENNSYLVANIA

3 ALBERT BREWER, : NO. 13-CV-05763

4 Plaintiff :

5 :

6 vs. :

7 :

8 BERKS COUNTY SHERIFF, ERIC J. :

9 WEAKNECHT, SHERIFF; ANTHONY :

10 DAMORE, CHIEF; VINCENT :

11 PACIFICO, SERGEANT, :

12 Defendants :

13 DEPOSITION OF ALBERT BREWER

14 Taken in the Berks Heim Nursing
15 and Rehabilitation, 1011 Berks Road, Essig's
16 Conference Room, Leesport, Pennsylvania, on Friday,
17 May 29, 2015, commencing at 10:29 a.m., before
18 Suzanne L. E. Toto, Registered Professional Reporter.

19 APPEARANCES:

20 STEPHEN V. YARNELL, ESQ.

21 230 Windsor Avenue

22 Suite 207

23 Narberth, PA 19072

24 -- For The Plaintiff

25

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	Page 2	Page 4
1 APPEARANCES: (CONTINUED)		
2 DEASEY MAHONEY & VALENTINI LTD.	1 * * *	
3 BY: ANDREW B. ADAIR, ESQUIRE	2 ALBERT BREWER, having been duly	
4 103 Chesley Drive	3 sworn, was examined and testified as follows:	
5 Lafayette Building, Suite 101	4 DIRECT EXAMINATION	
6 Media, PA 19063	5 BY MR. ADAIR:	
7 -- For The Defendants	6 Q. Good morning, Mr. Brewer. My name is	
8	7 Drew Adair. And as I believe you know I represent	
9	8 the defendants in this lawsuit that you brought	
10	9 against Berks County and Sheriff Weaknecht, Tony	
11	10 Damore and Vince Pacifico. We're here today to take	
12	11 your deposition; and before we begin I'm going to	
13	12 give you some instructions and some ground rules just	
14	13 so that we're on the same page.	
15	14 My first question to you, though, is	
16	15 have you ever had your deposition taken before?	
17	16 A. No.	
18	17 Q. Okay. And that's fine. I ask you that	
19	18 just because if you have had it taken, you may have	
20	19 some familiarity with the process. But since you	
21	20 haven't, I will go into a little more detail with the	
22	21 instructions.	
23	22 This is a process in which I get a	
24	23 chance to ask you questions about your claim and you	
25	24 get to provide answers. The first thing that I'll	
	25 tell you is that if you do not understand any	
* * *		

	Page 3	Page 5
1 INDEX TO WITNESS		
2 Albert Brewer Mr. Adair 4	1 question that I ask you today, I don't want you to	
3	2 answer it. I want you to ask me to either rephrase	
4	3 the question or, if you didn't hear me, ask me to	
5	4 repeat it or whatever is necessary that you	
6	5 understand the question because I don't want you to	
7	6 guess. I don't want you to speculate. But I do want	
8	7 you to understand what questions I'm asking. Is that	
9	8 clear so far?	
10	9 A. Yes, sir.	
11	10 Q. The other -- or another instruction is	
12	11 that all answers have to be verbal. You're doing a	
13	12 great job so far; but that means if I ask you a	
14	13 question that's a yes or a no question, rather than	
15	14 nodding your head or shaking your head, you say yes	
16	15 or no, okay?	
17	16 A. (Witness nodded head.) Yes, I	
18	17 understand.	
19	18 Q. And that's fine. And there is -- look,	
20	19 there is no --	
21	20 A. Waiting for him to finish.	
22	21 Q. That was the next instruction I was going	
23	22 to give, and you did a wonderful job with that.	
24	23 MR. YARNELL: Let the record show that	
25	24 I moved too quickly.	
26	25 BY MR. ADAIR:	

2 (Pages 2 - 5)

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1 Q. In normal conversations people have a way
 2 of speaking over top of each other by either starting
 3 to answer before someone is done asking a question or
 4 starting to ask a next question before someone is
 5 done answering. I am going to do my absolute best to
 6 let you answer your question before I ask you my next
 7 question, and I'll ask that you do exactly what
 8 you've been doing, waiting until I'm done asking the
 9 full question before you begin to answer, okay?

10 A. Yes, sir.

11 Q. As I mentioned to you a little earlier
 12 before we were on the record, if you need to take a
 13 break for any reason, just let me know. I'm happy to
 14 accommodate that. This is not an endurance test, so
 15 just -- you know, for whatever reason, just say you
 16 need to take a break, okay?

17 A. Yes, sir.

18 Q. Another thing, if you're giving an answer
 19 today and during the deposition you later realize
 20 that your prior answer was incorrect, and if you
 21 would like to go back and correct what you previously
 22 said, you can do that. I'm not looking to put words
 23 in your mouth or anything. But as I said, you know,
 24 sometimes you think about things as time goes on, you
 25 may realize you gave an incorrect answer. So you

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1 transcript, if you determined that it wasn't correct
 2 or honest or you didn't understand the question or
 3 whatever it is, you will have the opportunity to
 4 correct it. Okay?

5 Now, the reading and reviewing of the
 6 transcript is mostly to make sure that the court
 7 reporter understood that which you were saying and
 8 recorded it properly, which she will undoubtedly do;
 9 and I don't want her to take umbrage at me suggesting
 10 she might make a mistake, but you might make a
 11 mistake too.

12 So it's just a matter -- what the
 13 interest is here today is that you understand the
 14 questions and that you answer them to the best of
 15 your ability honestly but you do not answer something
 16 that you either do not know or do not understand.
 17 And it's really very simple. Okay?

18 THE WITNESS: Okay, sir.

19 MR. YARNELL: Thank you. I will shut
 20 up now.

21 BY MR. ADAIR:

22 Q. Okay. The other instruction that I want
 23 you to understand is that you were earlier put under
 24 oath to tell the truth. Do you understand that you
 25 are under oath right now to tell the truth today?

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1 have the ability during the deposition to correct
 2 something if you think you have said something
 3 incorrect earlier. Do you understand that?

4 A. Yes, sir, I do.

5 Q. I mentioned earlier, I don't want you to
 6 speculate. I don't want you to guess. If there's a
 7 question that I ask that calls for an estimate and
 8 you can reasonably estimate, that's fine. You can
 9 tell me this is an estimate. But if you don't know
 10 the answer, I don't want you to just make something
 11 up just to answer my question, okay?

12 A. Yes, sir.

13 Q. I'm trying to think if I've forgotten any
 14 of the important ones, but I think I covered a lot.

15 MR. YARNELL: May I?

16 MR. ADAIR: Absolutely.

17 MR. YARNELL: When we began the
 18 deposition, the court reporter, Ms. Toto, asked
 19 whether or not we were agreeing to the usual
 20 stipulations as between the lawyers, and we said yes.
 21 And I stated that I wanted you to read and review the
 22 transcript. That is consistent with what Mr. Adair
 23 was saying, that although it is unlikely and
 24 doesn't happen very often, in the event that
 25 something you testify to, once you review the

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1 A. Yes, I do, sir.

2 Q. Do you understand that this is the same
 3 oath that you would take if you were in court and
 4 testifying?

5 A. Yes, I do, sir.

6 Q. With that being said, let me just tell
 7 you, you know, briefly how I'd like to conduct the
 8 deposition. I'm going to start out and -- I'm going
 9 to start and get into some background questions,
 10 questions about work, what you did prior to coming to
 11 Berks County, what you've done after coming to Berks
 12 County, a lot of technical questions which really go
 13 to damages in the case.

14 But I'm going to start with that
 15 because it might be stuff that you find a little more
 16 comfortable to answer. We'll get into a rhythm and,
 17 you know, you'll be able to answer the questions.

18 After that we're going to turn our
 19 attention to the actual incidents and things that
 20 occurred. And I'm going to give you a full
 21 opportunity to explain those things. That's my
 22 purpose today, to ask you questions about what
 23 occurred; but I also want to hear your answers and,
 24 you know, your understanding of what happened.

25 So do you understand that?

3 (Pages 6 - 9)

<p style="text-align: right;">Page 10</p> <p>1 A. Yes, sir, I do.</p> <p>2 Q. Okay. With that being said, I'm going to 3 ask you, first of all, just some brief background 4 questions. What is your date of birth?</p> <p>5 A. July 10, 1975.</p> <p>6 Q. And where do you currently live?</p> <p>7 A. 351 Spring Street, Reading, PA 19601.</p> <p>8 Q. And how long have you lived at that 9 address?</p> <p>10 A. I can say four years and probably nine, 11 ten months to be exact.</p> <p>12 Q. So since -- I guess that takes it back to 13 2010 you moved into that address?</p> <p>14 A. October to be exact.</p> <p>15 Q. And where did you live prior to Spring 16 Street?</p> <p>17 A. 215 North Second Street.</p> <p>18 Q. Also in Reading?</p> <p>19 A. Also in Reading.</p> <p>20 Q. And how long did you live there?</p> <p>21 A. Average like a year and a couple of 22 months. I don't quite remember.</p> <p>23 Q. Okay. How long have you lived in 24 Reading?</p> <p>25 A. In total, since July 2008.</p>	<p style="text-align: right;">Page 12</p> <p>1 Apartment 13 -- I mean 3-C, Bronx, New York 10456, 2 the same -- basically the same neighborhood.</p> <p>3 Q. Okay.</p> <p>4 A. And before that, I don't remember the 5 number but it was on Sheridan Avenue right in the 6 Bronx also. Those were the three addresses I live in 7 the Bronx.</p> <p>8 Q. How long were you in the Bronx total? Do 9 you remember from what year until what year?</p> <p>10 A. Since '89 to 2007. That will make like 11 18 years.</p> <p>12 Q. And before you lived in the Bronx, where 13 did you live?</p> <p>14 A. I was like back and forth to the 15 Dominican Republic and Puerto Rico.</p> <p>16 Q. Where were you born?</p> <p>17 A. Dominican Republic.</p> <p>18 Q. And are you a naturalized U.S. citizen?</p> <p>19 A. Yes, I am.</p> <p>20 Q. When were you -- when did you get 21 naturalized?</p> <p>22 A. The year was '97 but I don't quite 23 remember the date right now or the month.</p> <p>24 Q. And because I'm not very good at math, 25 how old were you when you moved into the United</p>
<p style="text-align: right;">Page 11</p> <p>1 Q. And where did you live before you lived 2 in Reading?</p> <p>3 A. Maryland. 206 Shagbark Road, 4 S-H-A-B-B-A-R-K (sic) Road, Middle River, Maryland.</p> <p>5 Q. Okay.</p> <p>6 A. The zip code I don't quite remember.</p> <p>7 Q. That's okay. How long were you living in 8 Maryland in Middle River?</p> <p>9 A. 13 months.</p> <p>10 Q. And how about before you lived there?</p> <p>11 A. I used to live 1451 Washington Avenue, 12 Apartment 13-D the Bronx, Bronx, New York 10456.</p> <p>13 Q. How long were you in the Bronx?</p> <p>14 A. In that address since 1993. I don't 15 remember if it was June or July of that year, 16 roughly.</p> <p>17 Q. Pretty good memory. I don't need all the 18 details. I'm just trying to get some sense --</p> <p>19 A. If I remember the detail, I will give you 20 the detail.</p> <p>21 Q. Great. I appreciate that.</p> <p>22 And before you lived in the Bronx, 23 where did you live?</p> <p>24 A. Well, before that address I used to live 25 in the Bronx in another address, 1686 Clay Avenue</p>	<p style="text-align: right;">Page 13</p> <p>1 States? I guess I should clarify. Not Puerto Rico.</p> <p>2 Into the continental --</p> <p>3 A. Into the United States, 14.</p> <p>4 Q. And did you move to -- was that to New 5 York City, to the Bronx?</p> <p>6 A. Yes, sir.</p> <p>7 Q. Your current address, 351 Spring Street, 8 does anyone live with you there?</p> <p>9 A. Yes, my fiancee.</p> <p>10 Q. And what's your fiancee's name?</p> <p>11 A. Odalis Ariza, O-D-A-L-I-S, A-R-I-Z-A.</p> <p>12 Q. And you indicated she is your fiancee, 13 correct?</p> <p>14 A. Yes, sir.</p> <p>15 Q. And how long have you lived with Ms. 16 Ariza?</p> <p>17 A. Since I moved to Reading.</p> <p>18 Q. How long have you two been engaged?</p> <p>19 A. I'm sorry if I take a pause but I want to 20 be exact as possible. Like a year before I got 21 fired.</p> <p>22 Q. So that would have been in 2010?</p> <p>23 A. Roughly.</p> <p>24 Q. Do you have a wedding date set?</p> <p>25 A. No.</p>

4 (Pages 10 - 13)

Page 14	Page 16
1 Q. Does --	1 A. Don't exactly remember.
2 A. We couldn't get anything settled because	2 Q. Now, have you ever been married?
3 I got fired.	3 A. No.
4 Q. Prior to getting fired did you have a	4 Q. And I understand from some paperwork that
5 wedding date set?	5 you do have children?
6 A. No.	6 A. Yes, I do.
7 Q. Is there anyone else who lives with you	7 Q. How many children do you have?
8 at the 351 Spring Street address?	8 A. Two.
9 A. Well, I have a first floor apartment that	9 Q. What are their names?
10 I rent, but it's currently vacant at this time, if	10 A. Christy Brewer and Steven Brewer.
11 that count.	11 Q. Neither one of them live with you?
12 Q. So right now it's just you and Ms. Ariza	12 A. No, they live with their mom.
13 live there, but you do have a rental apartment on the	13 Q. Are they in the Reading area?
14 premises, is that accurate?	14 A. No, New York.
15 A. Yes, sir.	15 Q. And how old are they?
16 Q. Have you ever rented that apartment?	16 A. Steven is 14 and Christy is 15.
17 A. It's been rented before but right now	17 Q. I'm going to ask you some questions about
18 it's vacant.	18 your schooling. We'll just start from the top. What
19 Q. How long has it been vacant?	19 is the highest degree that you obtained?
20 A. Since February.	20 A. I have some college but I didn't
21 Q. And that would be 2015?	21 graduate.
22 A. Yes, sir.	22 Q. We can start with that. So what college
23 MR. YARNELL: Can I ask him to	23 did you go to?
24 clarify?	24 A. Bronx Community College that I went.
25 MR. ADAIR: Sure.	25 Q. And how long were you there?
Page 15	Page 17
1 MR. YARNELL: I assume when you ask,	1 A. Roughly like three to four semesters.
2 you mean on a full-time basis?	2 Q. Was there any area of study that you were
3 MR. ADAIR: That is what I meant. But	3 studying at the time?
4 I can clarify.	4 A. Medical lab technician and microbiology.
5 BY MR. ADAIR:	5 Q. Is there a reason that you stopped
6 Q. Is there anyone who has lived with you on	6 attending college?
7 a part-time basis?	7 A. Well, I had a problem with my ex-partner,
8 A. No.	8 with the mother of my kids. I was having some
9 Q. From -- other than tenants, has there	9 difficulties back in 2001, 2002, something like that.
10 been anyone who has lived with you other than Ms.	10 I don't remember. And then I had too much on my
11 Ariza since 2008?	11 plate at that time that I decided to stop going to
12 A. No.	12 school until I find something better to do, another
13 Q. The apartment that you rent out, is that	13 job.
14 a separate unit? Does it have its own access to the	14 Q. Okay. And when were you at the Bronx
15 outside or is it part of your building itself?	15 Community College?
16 A. It's part of the house but it has a	16 A. I don't actually remember. It was from
17 separate way -- I'm sorry, separate ways to come in	17 early 2000s.
18 and go out.	18 Q. And that's fine. I mean that's an
19 Q. Does it have a kitchen in it?	19 estimate. That's all I'm asking you for. Did you
20 A. Yes.	20 ever attend any other college other than the Bronx
21 Q. When did you first rent out that	21 Community College?
22 apartment?	22 A. No.
23 A. I don't remember.	23 Q. How about high school, do you have a high
24 Q. Was it when you were still working for	24 school --
25 Berks County?	25 A. Yes, I do.

5 (Pages 14 - 17)

	Page 18		Page 20
1 Q.	From what high school?	1 Q.	Were you ever deployed while you were in
2 A.	William Howard Taft High School.	2 the Reserves?	
3 Q.	And is that in the Bronx?	3 A.	No, sir.
4 A.	Yes.	4 Q.	And when you were in the Reserves, what
5 Q.	And did your high school have any kind of	5 was your job?	
6 concentration or area of focus?		6 A.	Human resources.
7 A.	No, just a regular vocation.	7 Q.	And what kind of training did they
8 Q.	Some schools do have things broken up.	8 provide you?	
9 That's why I asked you that question. When did you		9 A.	We went to basic combat training, nine
10 graduate from high school?		10 weeks. And then I went to the school, which is	
11 A.	1994. To be exact, June 1994.	11 called AIT. I went --	
12 Q.	Have you -- other than the Bronx	12 Q.	Do you know what AIT stands for?
13 Community College, have you attended any other		13 A.	I don't remember.
14 schools from the time that you graduated from high		14 Q.	What did you learn in AIT school?
15 school to the present?		15 A.	Personal records specialist, like
16 MR. YARNELL: Objection to the form of		16 archives, keep the personal records in order,	
17 the question. By schools do you mean any school of		17 everything that has to do with human resources.	
18 any kind anywhere?		18 Q.	Did you learn how to conduct
19 MR. ADAIR: That's what I'm asking,		19 investigations?	
20 yes.		20 A.	That is not part of the job.
21 MR. YARNELL: Okay.		21 Q.	Okay. Did they teach you about hiring
22 MR. ADAIR: Did that cure the		22 and firing? Is that part of the job?	
23 objection or would you like me to rephrase?		23 A.	No.
24 MR. YARNELL: No, that's fine. I get		24 Q.	Because it's the Army, not civilian.
25 it.		25 MR. YARNELL: They are perfectly clear	
	Page 19		Page 21
1 BY MR. ADAIR:		1 how to do that in the Army.	
2 Q.	Again, I'm not trying to confuse you and	2 BY MR. ADAIR:	
3 I'm certainly not trying to make questions -- I do		3 Q.	Did you have any other assignments other
4 want you to understand the question.		4 than in HR?	
5 A.	I did like small trainings, like security	5 A.	No.
6 training. I went to the Army. I went to vocational		6 Q.	What was the highest rank that you
7 school for personal records specialist.		7 obtained in the Reserves?	
8 Q.	Let's talk about these. Because there is	8 A.	I was E4 but they made a mistake on the
9 a wage loss claim so I'm trying to find out what your		9 W-2 -- on the discharge form. They say that it was	
10 qualifications, what your background, what types of		10 E3 but it was actually E4. For the record E3 because	
11 jobs you are qualified to work.		11 that's what it says on the paperwork.	
12 You were in the Army you just		12 Q.	Did you ever get that mistake fixed?
13 indicated?		13 A.	No.
14 A.	Army Reserves.	14 Q.	Okay.
15 Q.	And when were you in the Army Reserves?	15 A.	As long as I have an honorable discharge,
16 A.	Since 1995 till 2003. June 2003 to be	16 that's what happens, I'm good with that.	
17 exact.		17 Q.	Didn't impact you?
18 Q.	And did you receive an honorable	18 A.	No. Rank doesn't make the man.
19 discharge?		19 Q.	Other than the Army, have you received
20 A.	Yes, I did.	20 any other types of training?	
21 Q.	So you're not currently in the Reserves,	21 A.	Can you rephrase that question?
22 correct?		22 Q.	Absolutely. You were a police officer,
23 A.	No, sir.	23 correct?	
24 Q.	Did you ever see active combat?	24 A.	Yes.
25 A.	No, sir.	25 Q.	So did you receive training to become a

<p>1 police officer?</p> <p>2 A. Yes, I did. I went to the academy in 3 Baltimore.</p> <p>4 Q. And how long was the Baltimore Police 5 Academy?</p> <p>6 A. Seven months.</p> <p>7 Q. And did you graduate from that?</p> <p>8 A. Yes.</p> <p>9 Q. When were you at the Baltimore Police 10 Academy?</p> <p>11 A. I started up in June 2007. June 29th to 12 be exact.</p> <p>13 Q. And after you completed your training at 14 the Baltimore Police Academy, were you a police 15 officer?</p> <p>16 A. Yes.</p> <p>17 Q. Is that for the City of Baltimore?</p> <p>18 A. Yes.</p> <p>19 Q. Is there a difference between the City of 20 Baltimore Police Department and Baltimore County 21 Police Department?</p> <p>22 A. Jurisdiction.</p> <p>23 Q. They are two different police 24 departments?</p> <p>25 A. Yes.</p>	<p>Page 22</p> <p>1 to have time to complete my main goal, which was 2 finish my college degree, because we always worked 8, 3 10, 11, 12 hours every day; and it was really, really 4 hectic for me to go back to school. So I find a job 5 in Berks County which was a steady schedule and I 6 decided to move even though I knew I was going to 7 take a pay cut. My main goal was to finish school.</p> <p>8 Q. Were you fired from the Baltimore Police 9 Department?</p> <p>10 A. No.</p> <p>11 Q. Was it your decision to leave?</p> <p>12 A. Yes.</p> <p>13 Q. Were you asked to leave?</p> <p>14 A. Yes.</p> <p>15 Q. You were asked to leave?</p> <p>16 A. No. No. I was -- I asked --</p> <p>17 MR. YARNELL: He asked to leave.</p> <p>18 MR. ADAIR: Correct. I know.</p> <p>19 BY MR. ADAIR:</p> <p>20 Q. Just for clarification, you told them you 21 wanted to leave. They didn't tell you they wanted 22 you to leave?</p> <p>23 A. No.</p> <p>24 Q. Again, I'm not trying to put words in 25 your mouth. I'm just trying to get to the bottom of</p>
<p>1 Q. Did you work for both of those?</p> <p>2 A. No, just for Baltimore city police 3 department.</p> <p>4 Q. And how long did you work for Baltimore 5 city police department?</p> <p>6 A. Total was one year.</p> <p>7 Q. Did that include your training period?</p> <p>8 A. Yes.</p> <p>9 Q. So it was five months after -- you worked 10 as a police officer for five months after completing 11 the academy?</p> <p>12 A. Yes.</p> <p>13 Q. And what was the highest rank that you 14 obtained for the Baltimore Police Department?</p> <p>15 A. Regular police officer.</p> <p>16 Q. They call them patrol or anything like 17 that?</p> <p>18 A. No, just police officer.</p> <p>19 Q. Just police officer. And so when did you 20 leave the Baltimore city police department?</p> <p>21 A. Very late June of 2008.</p> <p>22 Q. Why did you leave the Baltimore Police 23 Department?</p> <p>24 A. Even though I liked the job and 25 everything, I knew that I wouldn't -- I was not going</p>	<p>Page 23</p> <p>1 it.</p> <p>2 So you came to Berks County and took a 3 pay cut. While you were working in the Berks County 4 Sheriff's Department, did you attend any school?</p> <p>5 A. No.</p> <p>6 MR. YARNELL: Just for the record, 7 object to the form of the question.</p> <p>8 MR. ADAIR: Okay.</p> <p>9 MR. YARNELL: Multiple things going at 10 the same time there.</p> <p>11 MR. ADAIR: All right. I'll clarify 12 it.</p> <p>13 MR. YARNELL: Yeah.</p> <p>14 BY MR. ADAIR:</p> <p>15 Q. While you worked for Berks County, did 16 you attend any school?</p> <p>17 A. No, sir.</p> <p>18 Q. Why not?</p> <p>19 A. I was setting everything down.</p> <p>20 Q. I'm sorry?</p> <p>21 A. I was setting myself down, like getting a 22 house, so many things on my plate at the same time 23 that I didn't have my mind settled for a school at 24 that time.</p> <p>25 Q. When you left the Baltimore city police</p>

7 (Pages 22 - 25)

<p style="text-align: right;">Page 26</p> <p>1 department, do you know whether they indicated if 2 they would hire you back or not?</p> <p>3 A. Yes, they can hire me back any time.</p> <p>4 Q. Have you applied to the Baltimore city 5 police department for a job since you've left Berks 6 County?</p> <p>7 A. Yes.</p> <p>8 Q. When did you apply?</p> <p>9 A. It was October '13, of '13, I think.</p> <p>10 Yeah, '13. October '13. 2013.</p> <p>11 Q. Did they offer you a job?</p> <p>12 A. No.</p> <p>13 Q. Did they indicate why they would not 14 offer you a job?</p> <p>15 A. They didn't say a specific reason, but I 16 know it was because this case is going on right now.</p> <p>17 Q. And how do you know that?</p> <p>18 A. Because I don't have any problem on my 19 record as a police officer in the time that I was 20 there. Never had any issues, never had any problems 21 at all.</p> <p>22 Q. Do you know whether they talked to anyone 23 in Berks County?</p> <p>24 A. I'm not sure; but in the hiring process, 25 anything that they ask me I'm going to tell them the</p>	<p style="text-align: right;">Page 28</p> <p>1 filled out the application before he applied. I 2 think what he's saying is that when he applied they 3 gave him an application when he got to the place 4 where he was applying and they took the papers from 5 him.</p> <p>6 BY MR. ADAIR:</p> <p>7 Q. My question doesn't assume that. My 8 question to you was simply you did not make your own 9 copy of any applications?</p> <p>10 A. You're not allowed to. Because when you 11 apply for Baltimore Police Department, it's a walk-in 12 process. You just walk in, fill out all the 13 paperwork; and they take over all of that.</p> <p>14 Q. And my question was actually broader 15 because I asked whether you had kept copies of your 16 applications for any jobs, and you indicated that you 17 had not?</p> <p>18 A. For different police department that I 19 apply since I lost my job in Berks County, I don't 20 have any copies of it. But I have copies -- I could 21 provide copies with the jobs that I apply -- I'm not 22 talking about law enforcement jobs, regular jobs that 23 I been applied in different -- many different 24 agencies all the way around Berks County.</p> <p>25 Q. And that was -- and actually my question</p>
<p style="text-align: right;">Page 27</p> <p>1 truth, what's going on in my life at that particular 2 moment, so I let them know that this case was going 3 on.</p> <p>4 Q. So you told them that you had filed a 5 complaint against Berks County?</p> <p>6 A. Yes.</p> <p>7 Q. And did you tell them that verbally or 8 did you put that in writing?</p> <p>9 A. I put that in writing in part of my 10 paperwork and my applications.</p> <p>11 Q. Do you have copies of your application?</p> <p>12 A. No.</p> <p>13 Q. Do you have copies of your applications 14 for any jobs?</p> <p>15 A. No, sir.</p> <p>16 Q. Is there a reason that you didn't keep 17 copies of any applications?</p> <p>18 A. When you fill out an application, they 19 take over that paperwork and they don't give you any 20 copies of it.</p> <p>21 Q. You didn't make your own copy?</p> <p>22 A. No, because when you --</p> <p>23 MR. YARNELL: I object to the form of 24 the question. I think your question assumes that he 25 made the application before he applied. I assume he</p>	<p style="text-align: right;">Page 29</p> <p>1 was did you have copies of applications for any jobs?</p> <p>2 A. Well, at that time I didn't understand 3 what you specifically mean.</p> <p>4 Q. That's fine. I'm not trying to argue 5 with you. I'm trying to clarify. I'm trying to 6 clarify what the question is. So you do have copies 7 of some job applications?</p> <p>8 A. Yes, and I can go to different agencies 9 and get the paperwork.</p> <p>10 Q. I'm not going to ask you to do that. I'm 11 just asking whether you do have copies of some 12 applications that you yourself made, correct?</p> <p>13 A. I don't have them with me, but I can 14 provide it. I don't have it.</p> <p>15 MR. YARNELL: Can I, just so we can 16 bring this to a swifter end? My understanding is 17 that any applications that we had copies of we had 18 provided. I don't have that from memory but I 19 believe we may have.</p> <p>20 MR. ADAIR: The reason that I'm asking 21 that is that I had asked for copies of any 22 applications that he had, and none were provided.</p> <p>23 MR. YARNELL: We did look for them.</p> <p>24 MR. ADAIR: Now he's indicating that 25 he has some applications.</p>

<p style="text-align: right;">Page 30</p> <p>1 MR. YARNELL: Right. I think the 2 problem here -- can we go off the record? 3 (Discussion held off the record.) 4 BY MR. ADAIR: 5 Q. A question that I forgot to ask you 6 earlier but is important to your claim, you indicate 7 in your complaint that you consider yourself a black 8 Hispanic. Would that be accurate? 9 A. Yes. 10 Q. I just want to put that on record so that 11 it's clear because that's part of the claim. 12 MR. YARNELL: That's what it says. 13 BY MR. ADAIR: 14 Q. I was asking you questions about 15 training, and you had training for -- you went to the 16 Baltimore Police Academy? 17 A. Yes. 18 Q. Are you currently certified to be a 19 police officer in Maryland? 20 A. I believe it expire already. 21 Q. So that you haven't attended -- I don't 22 want to put words in your mouth. Have you 23 attended -- do you know whether Maryland has 24 requirements that you take periodic updates to keep 25 your certification current?</p>	<p style="text-align: right;">Page 32</p> <p>1 A. Not since I lose my job with the Berks 2 County Sheriff Department. 3 Q. When you were with Berks County Sheriff's 4 Department, did you maintain your yearly updates? 5 A. Yes, for the sheriff requirement, yes. 6 Q. What do you mean by the sheriff's 7 requirement? 8 A. Every update that the sheriff department 9 require me to take, I took during the time I was 10 there. 11 Q. And there may be -- did the sheriff -- to 12 your knowledge, did the sheriff's department require 13 you to have a current Pennsylvania police officer 14 certification? 15 A. Current police officer certification, I 16 don't think so. We just filled out the sheriff 17 department requirement with the updates. That's all 18 we did. 19 Q. If I use the term Act 120, do you know 20 what I'm talking about? 21 A. Yes. 22 Q. And that is through MPOETC. That's the 23 Pennsylvania organization that keeps police officer 24 certifications current, correct? 25 A. Yes.</p>
<p style="text-align: right;">Page 31</p> <p>1 A. Every year. 2 Q. And when was the last time you took 3 updates to keep your Maryland certification updated? 4 A. Once I left the Baltimore city police 5 department I never took any updates in Maryland. 6 Q. Did you ever take your -- get your 7 training in Pennsylvania to be a police officer in 8 Pennsylvania? 9 A. I took a test, which is just a waiver for 10 the entire academy, which I ace it. And then I went 11 for an update for two weeks in State College 12 University -- Penn State, State College, something -- 13 I don't remember exact, for two weeks. 14 Q. And when was that? 15 A. Don't remember right now. 16 Q. Was that when you were still working for 17 Berks County? 18 A. Yes. 19 Q. But you did waive into Pennsylvania? 20 A. Yes. 21 Q. To be a police officer in Pennsylvania 22 you are required to maintain certain yearly updates? 23 A. Updates. 24 Q. Have you maintained those yearly updates 25 in Pennsylvania?</p>	<p style="text-align: right;">Page 33</p> <p>1 Q. Do you know whether you did your Act 120 2 training while you were with the sheriff's 3 department? 4 A. No, I took a test, a waiver test for the 5 Act 120 qualifications. 6 Q. But then they also have yearly update 7 requirements, correct? 8 A. Yes, in the sheriff department, yes. 9 Q. All right. I'll move on to some other 10 questions. 11 Other than this training, do you have 12 any other specialized training other than what we 13 talked about so far? 14 A. No. 15 MR. YARNELL: Object to the word 16 specialized. 17 BY MR. ADAIR: 18 Q. Do you have any other training? 19 A. Out of the law enforcement training that 20 I have so far, no. 21 Q. How about anything else? Do you have 22 training to be a welder? Do you have training to 23 work on cars? Do you have training for any other -- 24 A. No. 25 Q. Have you -- do you have -- do you</p>

9 (Pages 30 - 33)

Page 34	Page 36
1 currently have a commercial's driver's license?	1 A. Yes.
2 A. No.	2 Q. What other jobs have you held prior to
3 Q. Have you ever had a commercial driver's	3 working for Berks County?
4 license?	4 A. I was a school aide and a
5 A. No.	5 paraprofessional for the Board of Education in New
6 Q. Do you have an understanding that one of	6 York.
7 the requirements to be a sheriff for Berks County was	7 Q. Is it -- let's talk about what you did
8 to have a commercial driver's license?	8 after high school then. We'll just try to knock
9 A. Yes.	9 these out as quickly as I can. What did you do after
10 Q. Did you ever apply for a commercial	10 high school?
11 driver's license?	11 A. Joined the Army.
12 A. Yes.	12 Q. How about after the Army?
13 Q. And did you get that commercial driver's	13 MR. YARNELL: I object to the form of
14 license?	14 the question because I think he testified he was in
15 A. No.	15 the Reserves, so he was likely employed at the same
16 Q. Why not?	16 time.
17 A. Because the first two years that I was in	17 BY MR. ADAIR:
18 the sheriff department I was assigned to juvenile	18 Q. Would that be accurate?
19 division; and then when I was brought back to court,	19 A. Yes.
20 then I started up my taking the test for the permit.	20 Q. What were you doing while you were in the
21 But in the process I got fired.	21 Army? I'm not -- let me clarify my question to make
22 Q. So before you took the test -- well, did	22 this as easy as possible. I don't want to know I
23 you ever take the commercial driver's license test?	23 worked here for one week and then went to -- I'm just
24 A. Yes.	24 looking for what your work experience is, significant
25 Q. Did you pass?	25 jobs that you've held.
Page 35	
1 A. I fail a few times. But I pass one of	1 A. I'm trying to think to be exact as
2 them and I was kind of back and forth. And then when	2 possible. That's why I'm kind of taking my time.
3 I was going to take the last one to pass it, because	3 That was close to 20 years ago.
4 I was kind of ready for it, then I got fired. I was	4 Q. That's fine.
5 into -- I was willing into it to get my commercial	5 A. Right when I finished all my trainings, I
6 driver's license.	6 just had that job because it was hectic for me to
7 MR. YARNELL: I assume that is what is	7 find a job in New York at that time. It was really
8 colloquially referred to as a CDL.	8 hard for me to find a job. So I couldn't hold a year
9 MR. ADAIR: That's my understanding.	9 for that first -- I could say like two years or
10 THE WITNESS: Yes.	10 something, and then I joined what they call active
11 MR. ADAIR: A CDL -- to the extent	11 Reserves, where they call you for certain jobs for
12 we're using it, yes. CDL, commercial driver's license	12 certain weeks; and that's how basically I was
13 would be the same thing for purposes of the	13 surviving. I was living with my mother at that time.
14 deposition.	14 And then until I got a job with the Board of
15 MR. YARNELL: Fine with me.	15 Education, that was in -- I don't quite remember if
16 BY MR. ADAIR:	16 it was '98, '99.
17 Q. Let me ask you, I want to start with --	17 Q. Let's talk about your job with the Board
18 and I don't want to go back over things that you've	18 of Education. What was your job for the Board of
19 already told me that you've done, but prior -- we're	19 Education?
20 going to talk about jobs that you've had prior to	20 A. I started up as a school aide.
21 working at Berks County. And I know that you've been	21 Q. This is in New York City?
22 in the -- I believe you said it was Army Reserve?	22 A. New York City.
23 A. Um-hum.	23 Q. And is there a particular school district
24 Q. And you said that you were a police	24 or how does that work?
25 officer for the City of Baltimore?	25 A. No, no, I work for a specific school. It

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<p style="text-align: right;">Page 38</p> <p>1 was called Graphic Arts Communications.</p> <p>2 Q. Okay. And what did you do?</p> <p>3 A. Well, as a school aide I was taking the 4 attendance every morning and reporting to the 5 principal. Basically help out with the presence 6 because we didn't do anything physically with the 7 security at the cafeteria; you know, just presence.</p> <p>8 Q. How long were you a school aide?</p> <p>9 A. I don't remember right now. I don't 10 remember specific details. And then when I started 11 up college, started taking some college credits, they 12 offer me a job as a paraprofessional, which was not a 13 big difference. It was only like a office job, 14 changing the programs of the students, taking the 15 attendance still, a little bit more -- a little bit 16 better pay grade, that was the change, and the title.</p> <p>17 Q. Was that for the same school though?</p> <p>18 A. Yeah, same school.</p> <p>19 Q. And how long did you do that? You can 20 estimate. That's fine.</p> <p>21 A. I don't remember exactly. It was like 22 four, five years. I don't quite remember.</p> <p>23 Q. And then did you ever gain more 24 responsibility for the school as far as your job was 25 concerned?</p>	<p style="text-align: right;">Page 40</p> <p>1 job?</p> <p>2 A. At that time it was -- I don't quite 3 remember if it was 28 or -- between 27 to 29 a year, 4 27 to 29,000 a year.</p> <p>5 Q. And then you left that job?</p> <p>6 A. No, actually I was fired from that job.</p> <p>7 Q. And why were you fired from that job?</p> <p>8 A. Because I had an emergency and I got to 9 take care of my kids, go and pick them up; and I told 10 them and they didn't send me anybody at the time that 11 I needed. And then the next day they fired me. But 12 I went to the -- what's the name? To employment 13 office or something and I talk to a legal aide and I 14 ended up winning the case and they gave me some 15 compensation, like, I don't know, it was like for the 16 time off, it was like three or four thousand dollars. 17 I don't quite remember at the time.</p> <p>18 And then they told me that I could get 19 my job back if I want it but I didn't want the job at 20 that time. It was too many hours.</p> <p>21 Q. Who did you report to at that job?</p> <p>22 A. The name of the manager I don't quite 23 remember right now.</p> <p>24 Q. Do you know where Tuck It Away is 25 headquartered?</p>
<p style="text-align: right;">Page 39</p> <p>1 A. I was gaining more and I was going to go 2 a little bit more than that and even more after I 3 finish my college degree. I would be a teacher or 4 something like that. But I find another job.</p> <p>5 Q. What job did you find?</p> <p>6 A. Better than that, it was in a storage 7 company.</p> <p>8 Q. And what did you do -- do you know the 9 name of it, the storage company?</p> <p>10 A. Tuck It Away.</p> <p>11 Q. Tuck It Away. And where was that?</p> <p>12 A. In New York.</p> <p>13 Q. In the Bronx?</p> <p>14 A. No, it was actually all the way around. 15 They have -- I was assigned manager and I was 16 assigned to different stores.</p> <p>17 Q. And what were your responsibilities?</p> <p>18 A. Store manager. Accounting, collection 19 calls, sales, you name it.</p> <p>20 Q. And how long were you a store manager?</p> <p>21 A. A little bit over a year.</p> <p>22 Q. So what timeframe are we looking at here? 23 Is this 2004, 2005?</p> <p>24 A. Something like that.</p> <p>25 Q. Do you recall how much you made with that</p>	<p style="text-align: right;">Page 41</p> <p>1 A. Yeah, in New York.</p> <p>2 Q. Where in New York?</p> <p>3 A. Manhattan, in 138 and Broadway, I think.</p> <p>4 Q. So you didn't want that job. And what 5 did you do next?</p> <p>6 A. Well, by the time that the legal aide 7 offer me the job back and everything, I had a better 8 job, which it was at the Washington Bridge as a 9 security guard. And that was a better schedule, 10 better everything than that job was.</p> <p>11 Q. And did you work for an authority or did 12 you work for the state or was it a private agency 13 that provided security?</p> <p>14 A. It was a private agency. FJC it was 15 called.</p> <p>16 MR. YARNELL: Pardon me?</p> <p>17 THE WITNESS: FJC.</p> <p>18 MR. YARNELL: Those three letters?</p> <p>19 THE WITNESS: Yeah. It was the name 20 of it.</p> <p>21 BY MR. ADAIR:</p> <p>22 Q. Do you know where they're headquartered?</p> <p>23 A. I don't remember the address but it was 24 in Queens, I think, the headquarters.</p> <p>25 Q. That was a security job. What were your</p>

11 (Pages 38 - 41)

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1 responsibilities?		
2 A. I was a security supervisor.		1 after you were terminated from Berks County? That's
3 Q. How many people did you supervise?		2 what I want to ask you about now.
4 A. Like 9 to 10 people. I don't remember		3 A. After?
5 right now. There was like 9 or 10 different posts.		4 Q. What's the first job that you got after
6 Q. As a security officer what did you do?		5 June 10th, 2011?
7 A. Inspect all the equipment, that they have		6 A. That was in a place called Fidelity that
8 every equipment that they need for every specific		7 I find through an agency called -- what was the name
9 post, like radios, flashlights. There was so many		8 of the agency? I don't remember the name of the
10 different -- tiny equipment that they need to have in		9 agency right now. I worked for that company,
11 a specific post that I just want to make sure that		10 Fidelity, for like seven months. And they started
12 everybody have what they need.		11 giving us laid off.
13 Q. Did you make schedules for people?		12 Q. And when were you hired by Fidelity?
14 A. No.		13 A. January -- I don't know if it was 2012 or
15 Q. Did you discipline -- were you		14 2013. January I remember that it was.
16 responsible for disciplining employees?		15 Q. In your interrogatory answers you
17 A. Yeah, if you have to. Not firing people,		16 indicated that you worked for Fidelity Technology
18 but if I have to give them a warning, if I have to		17 Corporation from January 2012 to July of 2012?
19 give them like a -- anything.		18 A. Yes.
20 Q. A write-up or something?		19 Q. Is that accurate?
21 A. A write-up, yeah.		20 A. Yes.
22 Q. Did you discipline anyone while you were		21 Q. Okay.
23 there?		22 A. I can't remember the exact year it was
24 A. No. Not that I remember.		23 right now.
25 Q. And how long did you have that job?		24 Q. No problem.
	Page 43	Page 45
1 A. It was a little bit over a year also.		1 2012 when you were hired by Fidelity, did you apply
2 Q. And how much were you paid there?		2 for any jobs?
3 A. Like -- I don't remember. It was like		3 A. Yes.
4 12, \$13 an hour, something like that.		4 Q. What jobs did you apply for?
5 Q. Why did you leave that job?		5 A. Different agencies, different jobs that I
6 A. To become a police officer in Baltimore.		6 don't quite remember right now.
7 Always looking for an improvement.		7 Q. Do you remember any of them?
8 Q. How much were you paid as a police		8 A. It was so many through the Internet. I
9 officer in Baltimore?		9 applied to all the agencies around Berks County.
10 A. Assigned salary was close to \$40,000		10 Q. When you say agencies, what do you mean?
11 year.		11 A. There is some type of agency that if you
12 Q. Plus benefits?		12 fill out an application and they find jobs for you.
13 A. Plus the benefits.		13 Q. Got you.
14 Q. Now, are there any other significant		14 A. And that was easier for me than bouncing
15 jobs -- are there any other jobs that you worked for		15 from place to place.
16 more than a few weeks prior to working for Berks		16 Q. So Fidelity was the first job that you
17 County that you haven't told me about?		17 got?
18 A. No. Not that I remember right now.		18 A. Yes.
19 Q. We're going to get into Berks County, but		19 Q. Tell me what was your job -- what was
20 just -- you worked for Berks County from July 2008		20 your job title while at Fidelity?
21 and then you were terminated in June of 2011?		21 A. Assembler.
22 A. Yes. June 10th to be specific.		22 Q. What does Fidelity do?
23 Q. Okay. As I said, we're going to get back		23 A. They do equipment for the United States
24 to the Berks County stuff.		24 Army, from electrical equipment, cables, different
25 How about jobs that you have worked		25 wirings.

12 (Pages 42 - 45)

	Page 46	Page 48
1 Q.	And how much were you paid at Fidelity?	1 50?
2 A.	Like \$10 an hour.	2 A. Yes.
3 Q.	And who was your supervisor?	3 Q. And how much is overtime?
4 A.	I don't remember his name right now.	4 A. Time and a half.
5 Q.	And they're in Reading?	5 Q. And can you estimate how much overtime
6 A.	Yes.	6 you work on a weekly basis?
7 Q.	Why did you leave Fidelity?	7 A. Not really because sometimes you work
8 A.	I didn't leave. They gave a few of the	8 overtime, sometimes you don't. It varies.
9 new guys laid off. They were cutting personnel and		9 Q. So it's very -- it's random enough that
10 they gave like four of us laid off, not because of		10 you can't estimate how much you work on a --
11 any problems.		11 A. Put it this way. Sometimes we don't even
12 Q. Were you disciplined at all while you		12 work 40 hours; but we guaranteed 40 hours. Even if
13 were at Fidelity?		13 you don't work the 40 hours, you get paid 40 hours;
14 A.	No.	14 but sometimes you don't work the 40 hours and
15 Q.	And what was the next job after that? So	15 sometimes you end up work 60 hours. That's why I
16 that would have been -- that was July 2012.		16 can't give you an estimate.
17 A.	I didn't get any job at all until I get	17 Q. Okay. One of the things that we had
18 the one that I have right now.		18 requested through the request for production of
19 Q.	So from July 2012 -- well, what is your	19 documents were your tax returns, and you gave them to
20 current job?		20 me from 2008 through tax year 2012. I did not get
21 A.	I work in Garda, G-A-R-D-A.	21 2013 and 2014. Did you file taxes in 2013?
22 Q.	And explain what Garda is.	22 A. Yes, I did.
23 A.	It's logistic and transporting and	23 Q. Do you have a copy of your tax return?
24 delivering money to different stores, banks and		24 A. Yes, I do.
25 different entities.		25 MR. YARNELL: We will produce that tax
	Page 47	Page 49
1 Q.	Like armored cars?	1 return.
2 A.	Armored trucks.	2 BY MR. ADAIR:
3 Q.	And what do you do for Garda?	3 Q. How about 2014, did you file taxes in
4 A.	I'm a driver right now.	4 2014?
5 Q.	Have you held any other positions with	5 A. Yes.
6 Garda?		6 Q. And do you have a copy of that?
7 A.	No, not yet, because I haven't got my gun	7 A. Yes.
8 permit yet.		8 Q. I'm just making a note of that.
9 Q.	And that's also in Reading?	9 MR. YARNELL: We will produce that as
10 A.	Yes.	10 well.
11 Q.	And who is your supervisor at Garda?	11 MR. ADAIR: That will have more
12 A.	Supervisor. I don't know his first name.	12 information about the finances and stuff.
13 But I know his last name, Ortega.		13 BY MR. ADAIR:
14 Q.	And how much are you paid at Garda?	14 Q. You indicated that -- there's an easier
15 A.	Like 12.20 an hour, 12.25.	15 way for me. I'm just trying to do this the quickest
16 Q.	And how many hours a week do you usually	16 way possible. I want to ask you about jobs that
17 work?		17 you've applied for since leaving Berks County. You
18 A.	It varies because sometimes we can work	18 indicated that you didn't -- you couldn't remember
19 40 hours, sometimes we can work 50. I'm not going to		19 the ones that you had applied for prior to June of
20 be able to tell you an exact amount of hours that we		20 2012.
21 work.		21 MR. YARNELL: I think he said that he
22 Q.	Do you get paid overtime if you work over	22 did it through the Internet or through agencies but
23 40 hours?		23 did not recall the names of the agencies or the
24 A.	Not over 50.	24 places on the Internet.
25 Q.	You get paid overtime if you work over	25 MR. ADAIR: Yeah, I believe that that

13 (Pages 46 - 49)

<p>1 is accurate.</p> <p>2 We might as well just mark this.</p> <p>3 We'll mark this as Brewer 1.</p> <p>4 (Brewer Exhibit Number 1 was marked 5 for identification.)</p> <p>6 (Discussion held off the record.)</p> <p>7 BY MR. ADAIR:</p> <p>8 Q. Mr. Brewer, I'm going to hand you a 9 document that's been marked as Brewer 1 and it's 10 Plaintiff's response to Defendant Eric Weaknecht's 11 first set of interrogatories. These are questions 12 that I sent to you through your lawyer and that you 13 answered. And I'm trying to make this question a 14 little easier.</p> <p>15 If you would turn your attention to 16 question number 10 on Page 6. And I'll let you read 17 that, but question number 10 says identify all jobs 18 or employment for which you applied from June 10, 19 2011 to the present, including the name and address 20 of the employer, job and a description of the work 21 responsibilities. And your attorney objected, but 22 you identified some jobs that you had applied for, 23 and I just want to ask you about them.</p> <p>24 The first job that's listed is the 25 Baltimore Police Department.</p>	<p>Page 50</p> <p>1 written test back?</p> <p>2 A. No, they don't give the results. They 3 just tell you if you pass or fail.</p> <p>4 Q. And how do you know that you didn't get 5 it because you filed a complaint against Berks 6 County?</p> <p>7 A. Because that was part of my application.</p> <p>8 They asked me the jobs I ever had and everything, and 9 I put it on. They asked if I got fire or anything 10 and I tell them that I got fire and I explained why 11 and what's going on.</p> <p>12 Q. You explained -- when you explained why 13 you got fired, what did you tell them?</p> <p>14 A. That there is a complaint going on -- I 15 didn't get into any details. I just told them that 16 there is a complaint going on from me and other 17 deputies.</p> <p>18 Q. A complaint going on from you and other 19 deputies?</p> <p>20 A. Yes.</p> <p>21 Q. Which other deputies were you referring 22 to?</p> <p>23 A. Like Isaac Santiago, who has a 24 complaint -- not actually against -- well, it is 25 against Berks County, of course. But the main person</p>
<p>1 A. Yes.</p> <p>2 Q. And that would be the Baltimore city 3 police department?</p> <p>4 A. Yes.</p> <p>5 Q. And we already talked about that, 6 correct?</p> <p>7 A. Yes.</p> <p>8 Q. The second one is the Baltimore County 9 Police Department?</p> <p>10 A. Yes.</p> <p>11 Q. Did you apply to the Baltimore County 12 Police Department?</p> <p>13 A. Yes.</p> <p>14 Q. Do you recall when you applied to them?</p> <p>15 A. I don't recall when exactly, but I know 16 that I applied and I pass everything. And I know for 17 a fact that they didn't give me the job because this 18 case is going on.</p> <p>19 Q. Okay. Now, let me stop you there and ask 20 you to clarify what you just said. You said you 21 passed everything. What did you pass?</p> <p>22 A. The written test and the physical.</p> <p>23 Q. So they gave you a written test?</p> <p>24 A. Yes.</p> <p>25 Q. Did they give you the results of the</p>	<p>Page 51</p> <p>1 is Sergeant Pacifico at the time.</p> <p>2 Q. And I'm going to give you plenty of 3 opportunity to talk about that. Because, believe me, 4 that's what we're going to spend most of our time 5 talking about. Do you know for a fact that Isaac 6 Santiago -- do you know whether he filed a complaint 7 in a state or federal court against Berks County?</p> <p>8 A. He filed a complaint but I don't remember 9 what it was. If I can talk to my lawyer about it 10 because I don't remember.</p> <p>11 MR. YARNELL: You've answered the 12 question to the extent that he's not -- he doesn't 13 want me to supply you with an answer.</p> <p>14 MR. ADAIR: Correct.</p> <p>15 A. He file a complaint but I don't remember 16 what agency it was right now.</p> <p>17 Q. Do you know what happened to his 18 complaint?</p> <p>19 A. I don't have the knowledge of it right 20 now.</p> <p>21 Q. Do you know whether his complaint is 22 ongoing or whether it's been resolved?</p> <p>23 A. I believe it's ongoing.</p> <p>24 Q. And --</p> <p>25 A. As far as I know.</p>

14 (Pages 50 - 53)

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<p>1 Q. And by the way, your attorney is correct. 2 I don't want to know what your lawyer knows. I just 3 want to know what you know. And if you don't know 4 something, you tell me that I don't know. 5 A. Okay. 6 Q. That's a perfectly acceptable answer. 7 MR. YARNELL: If I can just qualify. 8 As with the documents, he's only asking what you 9 know. He is not asking you to find out, okay? 10 THE WITNESS: Okay. 11 MR. YARNELL: As in every single 12 question here, there is nothing that he's asking you 13 other than what you presently know. If you don't 14 know, the answer is I don't know. 15 THE WITNESS: Okay. 16 BY MR. ADAIR: 17 Q. Your lawyer is absolutely correct. Did 18 Isaac Santiago tell you that he filed a complaint? 19 A. Yes. 20 Q. Did the Baltimore County Police 21 Department tell you that you did not get the job with 22 them because either you were fired by Berks County or 23 because you filed a complaint against Berks County? 24 A. No, they don't tell you specifics. 25 Q. How about the Prince George Sheriff's</p>	<p>1 application also. 2 Q. But they did not tell you that they 3 didn't hire you because of the Berks County -- 4 A. Any police department, any law 5 enforcement agency that you apply, they not going to 6 tell you specific. But since I know myself and I 7 know my record, that I don't have any criminal 8 record, I don't have anything to hide, I know that 9 that was the only problem. 10 Q. Just so that I -- and I'll ask you this 11 question flat out. Has any job that you've applied 12 for, have they ever explicitly told you that they 13 were not going to hire you because of what happened 14 in Berks County? 15 A. No. In law enforcement, they don't tell 16 you specifics. 17 Q. And that's fine. How about the Maryland 18 Fire Marshals, did you apply for a job with them? 19 A. Yes. 20 Q. And when was that? 21 A. Don't remember the exact date also. 22 Q. Do you remember the year? 23 A. No. 24 Q. Was it shortly after you were terminated 25 from Berks County or was it more recently?</p>
<p>1 Department? When did you apply for a job with them? 2 A. I don't remember but that day -- I listed 3 that because you ask me all the jobs that I apply 4 for. On that specific case I couldn't pass the 5 physical because I was really, really sick that day. 6 So I couldn't know further down what would happen. 7 Q. Certainly. How about the Maryland Park 8 Police, did you apply for a job with them? 9 A. Yes. 10 Q. Do you recall when that was? 11 A. No. I was doing all the time -- I can't 12 recall any day the specific. I was desperate to get 13 a job. 14 Q. Did you have to take a test? 15 A. Yes, I did. 16 Q. Did you pass the test to your knowledge? 17 MR. YARNELL: This is the Maryland 18 Park Police? 19 MR. ADAIR: Correct. 20 A. The letter that I received, I sadly 21 didn't keep it because I was -- my head was not in 22 the right place at that time. They told me that at 23 this particular time I don't qualify for that job. 24 And I have a strong belief that it was because of 25 this complaint because I put it down on the</p>	<p>Page 55</p> <p>1 A. It was shortly after. I don't remember 2 if it was '11 or '12. I don't remember. 3 Q. Did you have to take a test? 4 A. Yes, I did took a test. 5 Q. Do you know whether you passed the test? 6 A. Yes, I passed the test. 7 Q. Did they tell you why they were not 8 hiring you? 9 A. No. They -- it's schedule -- the 10 physical test, they scheduled for the physical part 11 of it but I couldn't take it that day because I was 12 really, really sick. 13 Q. So you didn't take the physical test? 14 A. No, I couldn't take it. The only two I 15 couldn't take it was Prince Georges Sheriff 16 Department and the fire marshal. Those days I was 17 really, really sick. 18 Q. So is the reason that you weren't hired 19 by the Maryland fire marshal because you didn't take 20 the physical for them? 21 A. No, I couldn't. 22 MR. YARNELL: That wasn't his 23 question. 24 THE WITNESS: Huh? 25 MR. YARNELL: That was not his</p>
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15 (Pages 54 - 57)

Page 58	Page 60
1 question. He asked you whether the reason you were 2 not hired was because you didn't take the physical.	1 job for you?
3 THE WITNESS: Oh, yes.	2 A. I don't remember.
4 BY MR. ADAIR:	3 Q. How about the Aerotek agency? What is 4 that?
5 Q. Let me ask you about Gages Employment 6 Agency. Is that the Gage Employment Agency that's 7 here in Berks County?	5 A. That's another agency. 6 Q. Employment agency?
8 A. Yes.	7 A. Yes.
9 Q. And you applied with them for jobs.	8 Q. And are they here in Reading?
10 Would that be accurate?	9 A. Yes.
11 A. Yes.	10 Q. And did they find a job for you?
12 Q. So they're not actually an employer; they 13 help you find jobs?	11 A. Fidelity.
14 A. Yes.	12 Q. So they found Fidelity for you. Did they 13 find any other jobs other than Fidelity?
15 Q. Did they tell you about any jobs that -- 16 did they find a job for you?	14 A. No, not after that.
17 A. No, they never called me.	15 Q. And then Pennsylvania Career Link, that's 16 something that's available through the state, 17 correct?
18 Q. They never called you back?	18 A. Yes.
19 A. No, they never called me. Even though I 20 went every Monday like they requested to refresh 21 the -- to refresh the application every Monday, to 22 let them know that I'm still available. I was -- 23 every Monday I was there.	19 Q. Did you find any jobs through Career 20 Link?
24 Q. And when was it that you looked for work 25 through Gage Employment Agency?	21 A. They don't actually find you jobs. What 22 they do is they give you a lot of available jobs that 23 you can apply for, that I apply for tons of jobs that 24 I knew I was capable of doing. Because honestly, I'm 25 not going to apply to be a mechanic. I'm going to
1 A. I don't remember the dates.	Page 59
2 Q. Do you remember the years?	1 apply for something that I know that I'm suitable 2 for. So I apply for different jobs.
3 A. Well, as soon as I lose my job, but I 4 don't remember the exact dates.	3 Q. Did you find any -- did you get any job 4 offers through --
5 Q. How about Tristar Employment Agency, what 6 are they?	5 A. No.
7 A. Same. It's like an agency to get you a 8 job.	6 Q. -- Career Link?
9 Q. Are they here in Berks County?	7 A. No. No.
10 A. Yes.	8 Q. How about Akron Security Agency, what's 9 that?
11 Q. And did they find you a job?	10 A. That's a security school that I went 11 through in New York to see if I can get the 12 training -- to update my training and try to get a 13 job in New York.
12 A. Yes, but it was too far.	14 Q. And when did you contact them?
13 Q. What job did they find for you?	15 A. I don't remember the dates.
14 A. It was in a foundry like an hour and a 15 half to almost an hour and 45 minutes from here.	16 Q. Was that shortly after you were 17 terminated or was it more recent?
16 Q. Do you remember the town that it's in?	18 A. I don't remember. I'm not going to be 19 able to tell you exact date.
17 A. No, I don't remember.	20 Q. Did Akron tell you that you could update 21 your training?
18 Q. How much did that job pay?	22 A. Yeah, I update it.
19 A. \$8 an hour.	23 Q. So you did update your training?
20 Q. So you didn't take that job?	24 A. Yeah, I went to New York for like a whole 25 week and we did all the security training and all
21 A. It wasn't even worth it.	
22 Q. Did they find any other employment for 23 you?	
24 A. No.	
25 Q. And when was that that they found that	

16 (Pages 58 - 61)

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1 that. But at the end of it I couldn't apply to the
2 security license in New York because I have a
3 driver's license from Pennsylvania.

4 Q. So you couldn't get your New York
5 security license?

6 A. No, I couldn't.

7 Q. Unless you got a New York driver's
8 license?

9 A. Yes.

10 Q. Did you apply for any security jobs in
11 New York?

12 A. No, not even New York.

13 Q. Have you -- other than what you've talked
14 about, because I don't want to go back over that,
15 have you applied for any other security jobs anywhere
16 else?

17 A. Yes, right here in Berks County.

18 Q. Do you recall as we sit here today which
19 security jobs you've applied for?

20 A. I don't remember the name but I went to
21 like two interviews to them and they never called me
22 back.

23 Q. Did they tell you why they were not going
24 to hire you?

25 A. No, they just told me that they were

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1 I don't even know the address. He took the
2 application and they just call me over the phone and
3 they told me that my background looks nice but how
4 come a police officer want to work there.

5 So I didn't -- and I told, well, I
6 lose my job. How did you lose your job? And I
7 briefly explained what happened, and they told me
8 that they were going to call me back and they never
9 did.

10 Q. Did they tell you that they were not
11 going to hire you because of what happened in Berks
12 County?

13 A. They didn't need to.

14 Q. My question was actually just very
15 specific. Did they tell you -- did they actually say
16 we're not going to hire you?

17 A. No. No. No.

18 Q. Do you know whether any of these jobs
19 that you applied for -- do you know whether any of
20 them ever spoke to anyone in Berks County as -- in
21 order to determine whether you were qualified for a
22 job?

23 MR. YARNELL: Did you understand what
24 he is asking?

25 THE WITNESS: Yes.

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1 going to call me and tell me my start date and all
2 that, and they never called me.

3 Q. Other than what we've talked about so
4 far, can you recall any other jobs -- specific jobs
5 you've applied for?

6 A. There was so many that I just -- it's
7 impossible for me right now to recall all of them.
8 Because I was desperate. I was incredibly desperate
9 to get a job anywhere to start paying my bills, and I
10 couldn't find anything at all.

11 Q. Has any employer in any field ever told
12 you that they were not going to hire you because of
13 what happened in the Berks County Sheriff's
14 Department?

15 MR. YARNELL: You mean those words?
16 MR. ADAIR: Or words to that effect.

17 A. Yes, there was one.

18 Q. And what job was that?

19 A. Auto Zone Warehouse.

20 Q. And where are they located?

21 MR. YARNELL: It's a national chain of
22 stores.

23 BY MR. ADAIR:

24 Q. Where did you apply?

25 A. It's one of my neighbors that he took --

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1 A. Not that I know of.

2 Q. Again, I'm just asking for what you
3 actually know.

4 A. Not that I know.

5 Q. Okay. We're going to mark this as Brewer
6 2.

7 (Brewer Exhibit Number 2 was marked
8 for identification.)

9 BY MR. ADAIR:

10 Q. I'm going to give you a document that's
11 been marked as Brewer 2, and it was turned over to me
12 by your lawyer and it was Bates labeled B 107. This
13 is an October 16, 2012 letter from East Penn
14 Manufacturing to you.

15 Did you apply for a job with East Penn
16 Manufacturing?

17 A. Yes, I did.

18 Q. Did they offer you a job?

19 A. No.

20 Q. Was this the only notification that you
21 received from them that you were not going to get a
22 job with them?

23 A. Yes.

24 Q. Did you ever talk to anyone from East
25 Penn about why you were not given a job?

17 (Pages 62 - 65)

Page 66	Page 68
1 A. No.	1 an exhibit but I'm going to show this to you if you'd
2 Q. Do you have any firsthand knowledge why	2 like just so you know what I'm referring to.
3 they did not hire you?	3 It's your 2012 tax return that your
4 A. No.	4 attorney provided to me through discovery. And my
5 Q. Do you have any other rejection letters,	5 question has to do with -- it's the second to last
6 employment rejection letters?	6 page which is marked B-19 in the lower right-hand
7 A. No.	7 corner. What I wanted to ask, there is a 1099
8 Q. Why do you believe that East Penn	8 miscellaneous form that was given to you from the
9 Manufacturing did not hire you?	9 Reading Housing Authority.
10 A. At that time, they were hiring a lot of	10 A. Um-hum.
11 people, a lot, including people that I know with	11 Q. For \$3,451?
12 criminal records, which I don't mean to judge anybody	12 A. Um-hum.
13 but they hire a lot of people and they didn't hire	13 Q. I just wanted to ask you, what does that
14 me.	14 represent? Why did the Reading Housing Authority
15 Q. Who did they hire who has a criminal	15 give you a check or why did they pay you money?
16 record?	16 A. The person who lived downstairs on the
17 A. One of my best friends told me about	17 first floor, they had that program and they pay part
18 that. I don't know anybody with a criminal record	18 of the rent.
19 that apply. But a friend of mine told me that	19 Q. So the Reading Housing Authority was
20 somebody he knew, he apply for this company and they	20 paying part of the rent for your tenant?
21 hire him.	21 A. Yes.
22 Q. And that person had a criminal record?	22 Q. That's my only question on the tax
23 A. Yes.	23 return.
24 Q. Do you know the name of that person who	24 A. That's actually the reason I didn't lose
25 was hired that allegedly has a criminal record?	25 my house.
Page 67	Page 69
1 A. No, I don't know the name.	1 Q. Now, your employment with Garda, do you
2 Q. Who was it that told you about it?	2 receive any benefits?
3 A. A friend of mine who applied with me, and	3 MR. YARNELL: Did you understand what
4 they gave him a job there.	4 he means?
5 MR. YARNELL: He's asking for your	5 THE WITNESS: No.
6 friend's --	6 Q. That's fine. If not, if you don't
7 Q. What's your friend's name?	7 understand my question, tell me.
8 A. Ambiorix DeLeon.	8 A. Can you rephrase it?
9 Q. Would you spell that?	9 Q. Yeah. And I can make it a little more
10 A. Ambiorix, A-M-B-O -- let me write it	10 clear. Do you get health benefits through Garda?
11 down.	11 A. Yes.
12 Q. Sure.	12 Q. When you were working for Fidelity, did
13 A. That's not even a Spanish name.	13 you receive any health benefits?
14 Q. It's quite a name.	14 A. No.
15 A. It's A-M-B-I-O-R-I-X, Deleon, D-E-L --	15 Q. With Garda, other than health benefits,
16 MR. YARNELL: Two words.	16 do you get paid vacation time each year?
17 A. -- L-E-O-N.	17 A. Yes.
18 Q. Do you know where that individual lives?	18 Q. How much paid vacation time do you get?
19 A. Yes.	19 A. Two weeks.
20 Q. Where?	20 Q. And do you get sick time?
21 A. 1225 Church Street.	21 A. No.
22 Q. In Reading?	22 Q. That's part of the vacation time? Is
23 A. In Reading.	23 that how that works with Garda?
24 Q. I've got a question for you about -- and	24 A. To be honest I don't know how really they
25 I don't believe that there's any need to mark this as	25 work. I'm just there because I needed a job in the

<p style="text-align: right;">Page 70</p> <p>1 meantime to pay my bills and all that. That's 2 something that I'm not honestly going to stay there. 3 Q. Do you have any kind of a pension program 4 through Garda? 5 A. Not that I know of. 6 Q. Is there any kind of 401(k) program 7 through Garda? 8 A. Not to my knowledge right now. 9 MR. ADAIR: I tell you what, I'm done 10 with most of my background questions, and I'll say 11 that it's 12:00 right now. 12 We can go off the record. 13 (Discussion held off the record.) 14 BY MR. ADAIR: 15 Q. Back on the record now. I told you 16 before we broke that we were going to come back and I 17 was going to ask you -- start the employment or start 18 the actual questions about Berks County. I do have a 19 couple additional questions that I thought I would 20 cover now before we get into that just because I 21 think it would be easier to take care of it at this 22 point in time. 23 First question is, from the time that 24 you were terminated from Berks County in June of 2011 25 to the present, have you had any kind of physical or</p>	<p style="text-align: right;">Page 72</p> <p>1 Q. Okay. Now we'll expand that a little bit 2 more because you said that you suffered from anxiety 3 and depression after the time of termination. 4 MR. YARNELL: I don't know that he 5 understood your question. He suffered the symptoms 6 of those things, but to the extent that your question 7 assumes that they were derived from events that 8 happened after his termination, I object to the form 9 of the question. 10 MR. ADAIR: I am not interjecting any 11 of that. I'm going to give him an opportunity to 12 explain all of that right now. 13 BY MR. ADAIR: 14 Q. Have you -- from the time of your 15 termination from Berks County to the present, have 16 you suffered from any mental injuries? 17 MR. YARNELL: Object to the form of 18 the question. I'm not sure that he knows what the 19 term mentally means. 20 BY MR. ADAIR: 21 Q. Do you understand the questions? 22 A. No. 23 Q. Okay. From the time of your termination 24 until the present, have you seen any -- have you gone 25 to a doctor, psychiatrist, psychologist or licensed</p>
<p style="text-align: right;">Page 71</p> <p>1 mental injuries that would impact your ability to 2 work? 3 A. Yes, I had a lot of depression, anxiety. 4 Q. And let me start with the physical 5 injuries first and then -- because I'm going to 6 follow up with that, with your depression and 7 anxiety. Have you suffered any physical injuries or 8 have you had any accidents or anything from the time 9 you were terminated from Berks County to the present 10 that would impact your ability to work? 11 A. No. 12 Q. There was a medical record that was 13 provided to me by your attorney that showed that you 14 had received some treatment for some sprain and 15 strain. Were you in an accident or did you have an 16 injury or anything? 17 A. No. I never had any accident. 18 Q. Do you currently have any physical 19 limitations for why you couldn't work? 20 A. No. 21 Q. Let's talk about -- listen to my question 22 because I'm going to ask you something pretty 23 specific. Do you currently have any mental 24 limitations that would impair your ability to work? 25 A. No.</p>	<p style="text-align: right;">Page 73</p> <p>1 social worker because of a mental injury? 2 MR. YARNELL: Object to the form of 3 the question again because it assumes that he could 4 afford to do so. 5 MR. ADAIR: All right. I thought that 6 we've preserved all objections until the time of 7 trial. 8 MR. YARNELL: Well, objecting to the 9 form of the question is one of the ones that you have 10 to do under the circumstances. 11 MR. ADAIR: I'm not sure that's an 12 objection to the form of the question. That's an 13 objection to the evidence which supports the 14 question, which is a different objection. 15 MR. YARNELL: We may have a different 16 point of view. Go ahead. 17 BY MR. ADAIR: 18 Q. I'll ask you this, have you seen any 19 doctors? 20 A. Yes. 21 Q. From the time -- listen to my question. 22 Have you seen any doctors from the 23 time you were fired to the present? 24 A. Yes. 25 Q. Tell me every doctor you've seen.</p>

19 (Pages 70 - 73)

<p style="text-align: right;">Page 74</p> <p>1 A. Dr. Minnich. I don't recall the exact 2 date but I went there because I couldn't sleep. I 3 wasn't eating well. I was even not having -- well, 4 I'm going to be totally honest. I was having problem 5 having relations with my partner. And I got a lot of 6 anger. I was really, really frustrated because of 7 the fact that it happened. I was -- like the first 8 four, five months I couldn't even talk to my father. 9 Q. Why couldn't you talk to your father? 10 A. Because the way that he raised me and I 11 told I was feeling very shame about this situation. 12 Q. Why were you feeling shameful? 13 A. How things happened. Because I got fired 14 from a job without any justification just because 15 somebody didn't like the way I speak English, just 16 because somebody didn't like the way I basically 17 conducted myself or -- 18 Q. Okay. So you saw Dr. Minnich. How many 19 times did you go see Dr. Minnich? 20 A. I don't remember how many times but I 21 went and seen him many times. 22 Q. Many times. Was it a regular -- 23 A. Regular doctor. 24 Q. -- appointment? No, no. Listen to my 25 question. Was it a regular appointment? Did you see</p>	<p style="text-align: right;">Page 76</p> <p>1 A. Because I need proof that I've been 2 treated for the problems that I have. 3 Q. This letter, it indicates that you became 4 Dr. Minnich's patient on January 13, 2012, is that 5 accurate? 6 A. Yes. 7 Q. Is that when you first saw Dr. Minnich? 8 A. Yes. 9 Q. So that's seven months after you were 10 fired, correct? 11 A. Yes. 12 Q. Had you ever seen Dr. Minnich prior to 13 this -- 14 A. No. 15 Q. -- to your termination? 16 A. No. 17 Q. How did you find Dr. Minnich? 18 A. Well, I didn't have any insurance. I 19 went to my regular doctor, which was Jeffery Hassel, 20 I believe it was. He treat me like -- he treat me 21 like -- I don't want to say the word, but he didn't 22 treat me right. And I went to another doctor who 23 talked to them and tell him about my problems; and at 24 least Dr. Minnich, he help me out and he treat me 25 like a human being.</p>
<p style="text-align: right;">Page 75</p> <p>1 him on a recurring basis or was it on an as-needed 2 basis? 3 A. Both. 4 Q. Let me give you this. We'll mark this 5 as -- I believe this is 3. 6 (Brewer Exhibit Number 3 was marked 7 for identification.) 8 BY MR. ADAIR: 9 Q. I'm going to give you that. Take a look 10 at that. What I've marked as Brewer 3 is a document 11 that your attorney provided through discovery. I 12 believe the Bates label on the lower corner is B -- 13 it's either -- 14 MR. YARNELL: 152 I think. 15 MR. ADAIR: 152. 16 MR. YARNELL: Or 452, I'm not sure 17 which. 18 MR. ADAIR: Or 452. 19 BY MR. ADAIR: 20 Q. It is a June 1, 2012 letter from Ryan J. 21 Minnich, M-I-N-N-I-C-H, D.O., to Berks County 22 Sheriff's Department. How did you get this letter? 23 A. Ask the doctor for that. 24 Q. Why did you ask the doctor for this 25 letter?</p>	<p style="text-align: right;">Page 77</p> <p>1 Q. My question is how did you find Dr. -- 2 did someone refer you to Dr. Minnich? 3 A. No, I just find him because I went to the 4 clinic and they refer -- I just told them that I need 5 to see a doctor. And they told me that, you know, 6 Dr. Minnich is available. I was like, okay. 7 Q. What clinic did you go to? 8 A. I don't exactly know the address. The 9 address is right on the exhibit card, like 1020 10 Grings Hill Road. 11 Q. So it's the address on the bottom of this 12 exhibit? 13 A. Yes. 14 Q. And Dr. Minnich, is he -- do you know 15 whether he's a psychiatrist or a psychologist? 16 A. No, I think he's a regular doctor. 17 Q. Okay. Have you seen a psychiatrist or a 18 psychologist? 19 A. I couldn't. 20 Q. Why not? 21 A. I didn't have insurance at that time. 22 Q. Have you seen a therapist? 23 A. No. 24 Q. Have you seen a licensed social worker? 25 A. No.</p>

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1 Q. How about a priest, have you talked to 2 your priest about problems?	1 A. Yes.
3 A. No. I talk to my sister, which is a 4 doctor, but not on the record.	2 Q. Was it ever the result of -- because of 3 physical ailments?
5 Q. Your sister is a doctor?	4 A. No, not physical.
6 A. Yes.	5 Q. Are you continuing to see Dr. Minnich?
7 Q. And what kind of a doctor is your sister?	6 A. No, he is not in the state anymore.
8 A. She's a psychology.	7 Q. Where is he currently?
9 Q. What's your sister's name?	8 A. I'm not sure where he at right now. I 9 believe he move to Texas or Arizona. I'm not sure.
10 A. Sandra Brewer.	10 MR. YARNELL: For what it is worth, 11 there's a Ryan Minnich, D.O., who is in the state of 12 Indiana.
11 Q. And where does she live?	13 MR. ADAIR: Okay.
12 A. She live in New Jersey. We just -- she 13 just help me out and talk to me off the record	14 BY MR. ADAIR:
14 because I didn't have any insurance or anything. And 15 not only -- she provide support as a sister.	15 Q. Did you see any other doctors other than 16 Dr. Minnich?
16 Q. What is her address?	17 A. A few times in the emergency room that I 18 went at night, chest pains. Other than that -- than 19 the emergency, I didn't see any other doctor.
17 A. I don't know it by heart. I just know 18 how to get there, but I don't know it by heart.	20 Q. When was the last time you saw 21 Dr. Minnich?
19 Q. What town does she live in?	22 A. Don't remember. Long ago.
20 A. I believe she live in Paterson. I 21 wouldn't know. I don't know it by heart. I just 22 know how to get there.	23 Q. Was it in 2012?
23 MR. YARNELL: There is a Paterson, New 24 Jersey.	24 A. No. I don't remember. To be exact with 25 you, I don't remember.
25 MR. ADAIR: Yes.	
	Page 79
1 A. I don't think she talk to me like a 2 psychiatrist. She just gave me like a sister 3 support.	1 Q. I'm not looking for an exact. I'm 2 looking for a ballpark. Did you see him for more 3 than a year?
4 Q. Did she recommend that you find a 5 psychiatrist?	4 A. I haven't seen him more than a year 5 because he moved already.
6 A. She told me to, but since I didn't have 7 any insurance at that time --	6 Q. My question was, how long did you go to 7 treatment for him? Was it a year or was it longer 8 than a year or shorter than a year?
8 Q. Did she recommend anybody to you?	9 A. I could say an average like a year or -- 10 average a year. Could be more, could be less.
9 A. No. No. We live a little far apart.	11 Q. And when Dr. Minnich moved away, did you 12 look for another doctor?
10 Q. I was asking about Dr. Minnich. You said 11 you saw him both on a regular basis and also on an 12 as-needed basis?	13 A. I tried but they took away my Medicaid. 14 Medicaid that was provided by public assistance, they 15 took it away and I couldn't see anymore.
13 A. Yes.	16 Q. Was that because you were making too much 17 money at that point?
14 Q. When you saw him on a regular basis, what 15 was that? Was it every other week? Every week? 16 Daily? Every month?	18 A. No.
17 A. I couldn't be specific on that. I 18 couldn't be like specific, I couldn't.	19 Q. Why was Medicaid taken away?
19 Q. On a monthly basis, how many times would 20 you see Dr. Minnich?	20 A. I don't know. I wasn't even working at 21 that time and they took it away.
21 A. I would say one, two, three times in a 22 month. Maybe I see him once, maybe I see him two or 23 three. I can't give you a specific amount of times.	22 MR. YARNELL: Can we go off the record 23 for a second?
24 Q. And whenever you went to see him, was it 25 as a result of anxiety or depression?	24 MR. ADAIR: Sure. (Discussion held off the record.)

21 (Pages 78 - 81)

<p style="text-align: right;">Page 82</p> <p>1 BY MR. ADAIR:</p> <p>2 Q. Let's talk about you -- you said you went to 3 the emergency room. What emergency room did you go 4 to?</p> <p>5 A. I went to Reading Hospital once. And 6 then I went to St. Joseph emergency room.</p> <p>7 Q. When did you go to Reading Hospital?</p> <p>8 A. I don't remember the exact date.</p> <p>9 Q. How about the year?</p> <p>10 A. I don't remember if it was before or 11 after I was seeing Dr. Minnich. I don't remember. 12 The only thing I remember was that I went there with 13 chest pain.</p> <p>14 Q. And what did they diagnose you with to 15 your knowledge?</p> <p>16 A. I don't quite remember. I remember they 17 should be on the records, all the paperwork they 18 have.</p> <p>19 Q. Do you have medical records from going to 20 that -- to the emergency room?</p> <p>21 A. I'm not sure.</p> <p>22 MR. YARNELL: I don't think we 23 produced records from the emergency room.</p> <p>24 MR. ADAIR: No, I didn't get any. 25 That's why I was asking.</p>	<p style="text-align: right;">Page 84</p> <p>1 A. A lot of pain, extremely painful.</p> <p>2 Q. Can you lift now as much as you could 3 before, before you had the pinched nerve?</p> <p>4 A. I never stopped lifting. I never stopped 5 working.</p> <p>6 Q. Again, that's not my question. I hear 7 what you're saying, but I'm asking you a very 8 specific question. Can you lift as much now as you 9 could lift prior to having the pinched nerve?</p> <p>10 A. What was the question again?</p> <p>11 Q. Can you lift as much now as you could 12 prior to having a pinched nerve?</p> <p>13 MR. YARNELL: May I add something to 14 make it -- with or without the pain, are you still 15 able to lift as much as you did before?</p> <p>16 THE WITNESS: I can lift the same, 17 even with or without pain because I couldn't stop 18 working. Even though that's not what you are asking, 19 I got to be specific on your question.</p> <p>20 BY MR. ADAIR:</p> <p>21 Q. Look, it's fine that you can editorialize 22 after that, but answer the question and then you can 23 explain it further if you feel it's necessary.</p> <p>24 A. Well, I couldn't, but I did it anyway.</p> <p>25 Q. You couldn't lift?</p>
<p style="text-align: right;">Page 83</p> <p>1 MR. YARNELL: I'm just confirming. I 2 don't think we had.</p> <p>3 BY MR. ADAIR:</p> <p>4 Q. How about St. Joseph's, when did you go 5 there?</p> <p>6 A. Last time was this year. It was like 7 roughly a few months ago.</p> <p>8 Q. And what did you go there for?</p> <p>9 A. Pain on my right arm and chest pain.</p> <p>10 Q. And do you know what they diagnosed you 11 with?</p> <p>12 A. They did a lot of tests but they told me 13 that I have a pinched nerve on my right arm and to my 14 neck because of a lot of stress. That's what they 15 told me.</p> <p>16 Q. Does that pinched nerve impact your 17 ability to use your arm at all?</p> <p>18 A. It hurts a lot but I couldn't stop 19 working.</p> <p>20 Q. That's not my question though.</p> <p>21 Does that impact your ability to use 22 your arm?</p> <p>23 A. Yes.</p> <p>24 Q. How does it impact your ability to use 25 your arm?</p>	<p style="text-align: right;">Page 85</p> <p>1 A. I couldn't.</p> <p>2 Q. Are you saying now that you can't lift as 3 much now as you could before?</p> <p>4 A. See, for some reason I don't understand 5 what you mean with that. I don't understand.</p> <p>6 Q. I'm asking -- it's a very simple 7 question. Can you lift as much today as you could 8 lift before you had a pinched nerve?</p> <p>9 MR. YARNELL: He just wants to 10 physically know whether you can lift it, not whether 11 or not it's painful or otherwise. He just wants to 12 know whether you can lift it.</p> <p>13 A. Yes.</p> <p>14 Q. That's all my question is. I'm not 15 trying to hide anything there from you.</p> <p>16 Do you have any outstanding bills from 17 Dr. Minnich?</p> <p>18 A. No, not from Dr. Minnich.</p> <p>19 Q. Now, you indicated you went to 20 Dr. Minnich because you couldn't sleep at night. Do 21 you still have problems sleeping at night?</p> <p>22 A. Sometimes. Not as often as before.</p> <p>23 Q. Talking about today, how often do you 24 have trouble sleeping at night on a weekly basis?</p> <p>25 A. Once every two weeks.</p>

22 (Pages 82 - 85)

	Page 86	Page 88
1 Q.	How about not eating well? Actually,	1 Fairgrounds Mall. I go there sometimes.
2 strike that. Let me go back. Back when you went		2 Q. Are you a member there?
3 back to see Dr. Minnich, seven months after you were		3 A. Yes.
4 terminated, how often was it that you couldn't sleep		4 Q. Now, you said you had trouble with
5 then?		5 relations with your partner. I know this is a tough
6 A. Oh, four or five nights a week.		6 question but I got to ask you to explain to me what
7 Q. You also indicated that you were not		7 you mean by that.
8 eating well back then. What do you mean by that?		8 A. I couldn't have sexual relations with my
9 A. Not feeling hungry or not eating at the		9 partner at the beginning when I got fired because of
10 right time or sometimes not eating at all during the		10 the -- the depression that I have, the anxiety and,
11 day. Different scenarios.		11 being honest, the anger that I had with the fact that
12 Q. Did you lose any weight as a result?		12 I was terminated from Berks County.
13 A. I believe so.		13 Q. How long did those difficulties last?
14 Q. How much?		14 A. An average of eight, nine months, maybe
15 A. Not sure.		15 more.
16 Q. More than 10 pounds?		16 Q. Do you have difficulties with that today?
17 A. Yeah, I could say that.		17 A. No, not right now.
18 Q. More than 20 pounds?		18 Q. Prior to your termination -- I hate to
19 A. No.		19 ask you a personal question but I got to. Prior to
20 Q. Between 10 and 20?		20 your termination, on a weekly basis how often would
21 A. Yes, something like that.		21 you have sex with your partner?
22 Q. How about today, do you have difficulty		22 A. Three, four times a week.
23 eating today?		23 Q. And during this eight or nine month
24 A. No.		24 period, how often did you have sex with your partner
25 Q. How long did your -- did the not eating		25 on a weekly basis?
	Page 87	
1 well last?		Page 89
2 A. I'm not sure. After I see Dr. Minnich,		1 A. Once every three months, if that.
3 started up some medication and I was being able to be		2 Q. And how about these days?
4 a little more calm, started like eating little bit		3 A. Not many because she got to go to work in
5 better and sleeping a little bit better from time to		4 New York to help -- you know, to help with the bills
6 time.		5 and all. I can't tell you an exact time -- exact
7 Q. Did you put the weight back on that you		6 frame of time right now because she's back and forth
8 lost?		7 to New York.
9 A. Not really.		8 Q. Are the issues, the problems these days,
10 Q. So you weigh 10 to 20 pounds less now		9 related to depression and anxiety as a result of
11 than when you worked for the Berks County Sheriff's		10 being terminated from Berks County or do they have
12 Department?		11 more to do with just schedules and life activities?
13 A. I'm not sure about that. Besides that, I		12 A. I don't understand your question.
14 work out also and I don't pay attention to my weight.		13 Q. Sure.
15 I just keep myself as healthy as I can.		14 Q. You indicated that your -- it appeared
16 Q. Do you work out today?		15 to me, I believe that you said you're not having
17 A. No.		16 sexual relations with your partner as much now as you
18 Q. I don't mean physically today, but do you		17 were back when you worked for Berks County. Would
19 work out these days, in the present?		18 that be accurate?
20 A. I could say like twice a week now or		19 A. Yeah, because she didn't have to go to
21 maybe once because I work so many hours, so sometimes		20 work.
22 I can't even -- I not be able to work out.		21 Q. And my question is, talking about now, is
23 Q. Where do you work out?		22 the reason that you're having less sex these days a
24 A. At a gym called Planet Fitness, 5th		23 result of her having to go to work or is it a result
25 Street in the mall. What's the name of the mall?		24 of you being fired from Berks County?
		25 A. Both.

23 (Pages 86 - 89)

Page 90	Page 92
1 Q. So you still have problems having sex 2 with her these days because you were fired from Berks 3 County?	1 BY MR. ADAIR: 2 Q. Let me turn your attention, we'll talk about 3 Berks County now. You began working for Berks County 4 on July 16, 2008. Would that be accurate?
4 A. Well, to be exact, the reason that we are 5 not together that much is because she got to go to 6 New York and work to help us with the bills, so we 7 not together that often like we used to be before.	5 A. Yes, sir. 6 Q. You were hired to work in the sheriff's 7 department, correct?
8 Q. So she didn't work prior to --	8 A. Yes.
9 A. She works.	9 Q. During your tenure with the county, what 10 was your job title?
10 Q. Listen to my question. You have to let 11 me finish my question. Prior to you being fired from 12 Berks County, did she work?	11 A. Deputy sheriff.
13 A. Yes.	12 Q. Did you ever have any kind of a promotion 13 while you were with the county?
14 Q. Where did she work?	14 A. No.
15 A. The same, New York.	15 Q. Let's talk about your shifts and 16 assignments for the county. When you first started 17 working as a deputy sheriff, did your shift and 18 assignment change at all during your tenure with the 19 county?
16 Q. I don't know --	20 A. No. It was the same shift.
17 A. In New York, Madison Square Garden.	21 Q. What shift did you work?
18 Q. What does she do there?	22 A. First shift, from 8 to 4:30.
19 A. She's a security supervisor.	23 Q. And did your job assignment change over 24 the three years that you were with the county?
20 Q. For Madison Square Garden?	25 A. Not that often.
21 A. Yes.	
22 Q. And she's still a security supervisor at 23 Madison Square Garden?	
24 A. Yes.	
25 Q. And has anything changed with her job	
1 from then till now?	Page 93
2 A. Yes.	1 Q. What job assignments did you have?
3 Q. What?	2 A. At the beginning I was assigned to court.
4 A. When I used to work in the sheriff 5 department, she only worked there on weekends, 6 Friday, Saturday and Sundays, which sometimes I went 7 to New York and see my kids and then visit my family, 8 and then we go back on Sunday night. But now she got 9 to work like most of the week. She doesn't like work 10 only the weekends like before. She got to work more 11 now to help us with the bills.	3 And then I was assigned to juvenile court division. 4 It's the same, in court, but I was assigned to the 5 juvenile division for the first -- you could say 6 almost two years there.
12 Q. So it's your testimony that she didn't 13 work as much before because you made more money?	7 Q. Did you have any other assignments?
14 A. Yes.	8 A. Then after that I came back to regular 9 court.
15 Q. And the only reason she's -- well, is 16 this accurate? The only reason that she's working 17 more today is because you don't make as much money?	10 Q. When did you come back to regular court?
18 A. Yes.	11 A. I don't remember. After like -- close to 12 two years in juvenile.
19 Q. There's no other reason that she's 20 working more today?	13 Q. What were your basic job duties?
21 A. No. No.	14 A. Transporting the prisoner from the 15 holding cell to the courtroom.
22 MR. YARNELL: He needs to take a break 23 to use the bathroom.	16 Q. Is that pretty much what you did? Did 17 you have any other job duties that you did on a 18 regular basis?
24 MR. ADAIR: Absolutely. 25 (A brief recess was taken.)	19 A. When we have like overtime with different 20 jobs like transporting the prisoner from the 21 courthouse to the jail, to the county jail; and 22 besides a few overtimes that I did special details.
	23 Q. Who were your immediate supervisors 24 during your three years at Berks County? Who was 25 your first immediate supervisor?

24 (Pages 90 - 93)

<p style="text-align: right;">Page 94</p> <p>1 A. At the beginning Sergeant Giprich. 2 Q. And how long was sergeant Giprich your 3 supervisor? 4 A. For a long period of time. I don't 5 remember exact. And then it was Captain Berrios, who 6 was in charge of courts. And then that's when my 7 nightmare starts with Sergeant Pacifico. 8 Q. How long was Captain Berrios your 9 supervisor? 10 A. I don't remember. I don't remember 11 exactly but he was for a period of time. 12 Q. And then Pacifico became your immediate 13 supervisor? 14 A. Yes. 15 Q. And Captain Berrios, he is Hispanic, 16 correct? 17 A. Yes. 18 Q. What was your relationship with Captain 19 Berrios? 20 A. As an employee and supervisor, that's it. 21 Q. Did you have a positive relationship with 22 him as a supervisor? 23 A. Yes. And with Sergeant Giprich also. 24 Q. Now, I know that you did not have a 25 positive relationship with Vince Pacifico, correct?</p>	<p style="text-align: right;">Page 96</p> <p>1 at it? 2 A. Yes, I did. 3 Q. The document that we just marked as 4 Brewer 4 is entitled County of Berks Harassment 5 Training for Employees Acknowledgement Form, May 6 2010. Is that your signature on this form? 7 A. Yes. 8 Q. And did you sign that on May 27, 2010? 9 A. Yes. 10 Q. And it says, by my signature below I 11 acknowledge that I attended the County of Berks 12 harassment training for employees. I further 13 acknowledge that I received the County of Berks 14 harassment policy and it's my responsibility to abide 15 by the provisions outlined in the policy. 16 Did I read that paragraph accurately? 17 A. Yes, you did. 18 Q. Did you attend harassment training for 19 employees? 20 A. Yes. 21 Q. Tell me what you recall about the 22 harassment training for employees. 23 A. At this particular time I don't recall 24 anything of that. 25 Q. But you did attend it?</p>
<p style="text-align: right;">Page 95</p> <p>1 A. Well, when he was a deputy, nobody liked 2 him and I was the only one who say good morning to 3 him and try to be on his -- to try to be a good 4 coworker with him. Then when he became a sergeant, 5 that's when everything starts. 6 Q. When he was a deputy before his 7 promotion, did you have a good relationship with him 8 or was it -- 9 A. No. No. No. Never had any good 10 relationship with him. I just say -- I just be 11 polite like I'm polite with everybody. Good morning, 12 sir. Good morning, how are you doing? How are you? 13 Even though nobody like -- I could say -- I could 14 strictly say that 80 or maybe 90 percent of the whole 15 department didn't like him as a deputy. I always 16 used to be polite to him and say good morning and 17 greet him when I see him. 18 Q. Let me ask you a question. Before I get 19 into the details, I'm going to mark this as 4. 20 (Brewer Exhibit Number 4 was marked 21 for identification.) 22 BY MR. ADAIR: 23 Q. I'll let you take a look at that. Let me 24 know when you are done. 25 Have you had a chance to take a look</p>	<p style="text-align: right;">Page 97</p> <p>1 A. Yes, I did. 2 Q. Did you also receive a copy of the Berks 3 County harassment policy? 4 A. I believe I did. 5 Q. I'm going to give you this, which we'll 6 mark as 5. 7 (Brewer Exhibit Number 5 was marked 8 for identification.) 9 BY MR. ADAIR: 10 Q. You can take a look at it. You don't 11 need to read the whole thing through right now, 12 unless you want to. I'm not going to ask you 13 detailed questions at this point but I may ask you 14 some questions later. Just tell me when you've had a 15 chance to -- 16 A. Go ahead. 17 Q. What we marked as Brewer 5 is entitled 18 harassment policy. It has an effective date of 19 November 4, 1993. But then it says it was revised on 20 May 10th, 2010. Is that accurate? 21 A. Yes. 22 Q. That's what it says. Is this the 23 harassment policy that you received when you were a 24 deputy? 25 MR. YARNELL: If you recall.</p>

25 (Pages 94 - 97)

Page 98	Page 100
1 A. Yes.	1 A. Go ahead.
2 Q. And that's all the questions I have about 3 that for right now.	2 Q. This is a letter to you dated January 3 7th, 2011, which under the re line says time clock 4 violation-failure to clock in/out without notifying a 5 supervisor, first offense. Did I read that 6 accurately?
4 (Brewer Exhibit Number 6 was marked 5 for identification.)	7 A. Yes.
6 BY MR. ADAIR:	8 Q. This was also discipline that you 9 received for a time clock violation, correct?
7 Q. Now, let me give you this, which we will 8 mark as Brewer 6. When you've had a chance to look 9 at it, just let me know.	10 A. Um-hum.
10 A. Go ahead.	11 Q. Correct?
11 Q. What's been marked as Brewer 6 is a 12 letter to you dated August 11th, 2009 and it says, 13 re: time clock violation-failure to clock in/out 14 without notifying a supervisor, first offense. Is 15 that accurate?	12 A. Yes.
16 A. Yes.	13 Q. And is that your signature on this page?
17 Q. In August of 2011 -- I'm sorry, on August 18 11th, 2009 would it be accurate to say that Sergeant 19 Pacifico was not your supervisor at that point in 20 time?	14 A. Yes.
21 A. No.	15 Q. And it was also signed by Sheriff 16 Weaknecht, correct?
22 Q. He was not your supervisor, correct?	17 A. Yes.
23 A. No.	18 Q. And by Vince Pacifico, correct?
24 Q. And this is discipline that you received 25 in August of 2009 for not clocking in and out,	19 A. Yes.
	20 Q. And at this point in time Vince Pacifico 21 was your supervisor, correct?
	22 A. Yes.
	23 Q. Did you believe that this discipline was 24 warranted?
	25 A. I don't understand what you mean.
Page 99	Page 101
1 correct?	1 Q. Do you believe that you deserved to get 2 a -- well, did you have a time clock violation?
2 A. Um-hum.	3 A. Oh, yes, definitely.
3 Q. Yes?	4 Q. Did you believe that you were given this 5 discipline because of your race or nationality?
4 A. Yes.	6 A. No.
5 Q. Is that your signature on this page?	7 Q. I want to ask you some questions about 8 the incident that occurred in October of 2010 when 9 you were assigned to Judge Sprecher's courtroom.
6 A. Yes.	10 A. Um-hum.
7 Q. And it's also signed by Anthony Damore, 8 correct?	11 Q. Do you remember that incident?
9 A. Yes.	12 A. Yes.
10 Q. And by Gary Cirulli, correct?	13 Q. Tell me what you recall happening.
11 A. Yes.	14 A. The Judge was in a video conference. He 15 was not in the courtroom at that time. For some 16 reason I felt tired, I was sleepy; and I told the 17 clerk of courts or one of the assistants if I could 18 go get a coffee because there was nobody in the 19 courtroom at that time. There was no -- it was only 20 like two assistants and that was about it. They 21 said, yeah, go ahead.
12 Q. Did you believe that this warning that 13 you received for time clock violation was merited 14 because of your behavior?	22 Q. Was that Royce? Was the name of the guy 23 that you talked to Royce Spadt?
15 A. Yes, absolutely.	24 A. I don't remember his name but I do 25 remember how he looks.
16 Q. Okay. Do you believe that you were given 17 this discipline because of your race or your 18 nationality?	
19 A. No.	
20 Q. You can put that aside if you like.	
21 (Brewer Exhibit Number 7 was marked 22 for identification.)	
23 BY MR. ADAIR:	
24 Q. I have this one, which we will mark as 7. 25 Tell me when you've had a chance to look at it.	

26 (Pages 98 - 101)

<p style="text-align: right;">Page 102</p> <p>1 Q. What did he look like?</p> <p>2 A. Tall person, maybe taller than me, 3 glasses, a little bald. I'd say mid, maybe late 40s. 4 I ask him if I could get a cup of coffee. He said, 5 yeah, go ahead, the Judge is not even going to go out 6 for the next hour or two.</p> <p>7 I went to get a coffee and when I came 8 back Pacifico was there, and he tell me why you out 9 of the courtroom. I said, I asked him if I could get 10 a cup of coffee and he told me that I could go. And 11 even though the Judge assistants or one of the staff 12 member told him, yes, I told him that, that he could 13 go, he still write me up.</p> <p>14 But again, since I'm a -- I consider 15 myself an honorable person, I apologize to him; and I 16 said, well, it's not going to happen again. And he 17 took that as an advantage, like I admit that I do 18 something wrong. He write me up anyway. I took full 19 responsibility because I told him I was going to take 20 him out of my back.</p> <p>21 Q. You told him what?</p> <p>22 A. I told him that simple fact that I took 23 responsibility for that occasion in particular would 24 take him out of my back.</p> <p>25 Q. Get him off your back?</p>	<p style="text-align: right;">Page 104</p> <p>1 him that I was going to come back in like five 2 minutes, maybe less, to go to the third floor and get 3 a coffee. So I didn't find any harm on that.</p> <p>4 Q. Was it your understanding that it was 5 policy for you to notify the sheriff's department if 6 you were leaving that room?</p> <p>7 A. Not if I lock it.</p> <p>8 Q. It was your understanding that if you 9 locked it you could just leave?</p> <p>10 A. No, because I wasn't going to leave for 11 like a long period of time.</p> <p>12 Q. Now, when you came back and found Vince 13 Pacifico there, was he in the courtroom?</p> <p>14 A. Yes, he got key.</p> <p>15 Q. He got a key?</p> <p>16 A. Yeah. Every deputy sheriff have a key to 17 almost -- I could say the majority of the courtrooms.</p> <p>18 Q. Did Vince Pacifico call you from his 19 radio while he was in Courtroom 3 and ask where you 20 were?</p> <p>21 A. No.</p> <p>22 Q. That didn't happen?</p> <p>23 A. No, I didn't -- if it happened -- I'm not 24 saying it didn't happen. If it happens, my radio -- 25 I didn't get the reception.</p>
<p style="text-align: right;">Page 103</p> <p>1 A. Yeah, get him off my back, I'm sorry.</p> <p>2 Q. That's okay.</p> <p>3 A. And I took full responsibility for it.</p> <p>4 Q. Let me ask you some follow-up questions 5 about that. Was it your understanding that as a 6 deputy sheriff it was your responsibility to remain 7 in that courtroom as long as it was open to the 8 public?</p> <p>9 A. At that time that I went to the cafeteria 10 and get a coffee, I locked the door.</p> <p>11 Q. You locked the door?</p> <p>12 A. Because there was no civilian person, 13 there was nobody there.</p> <p>14 Q. But -- okay. So you locked the door, but 15 there were employees inside, correct?</p> <p>16 A. Yeah, there was two; and they allowed me 17 to go, because I asked them.</p> <p>18 Q. Was it your understanding that other 19 county employees other than the sheriff's department 20 could give you permission to leave the courtroom 21 without notifying the control center?</p> <p>22 A. Well, I didn't take it that way at that 23 time because I locked the door. And the courtroom -- 24 nobody didn't have access to the courtroom except for 25 the employee that was inside the courtroom. I told</p>	<p style="text-align: right;">Page 105</p> <p>1 Q. Did you tell Vince Pacifico over the 2 radio that you were in Courtroom 3 when you were not 3 in Courtroom 3?</p> <p>4 A. Not that I recall.</p> <p>5 Q. Let me give You Exhibit 8.</p> <p>6 (Brewer Exhibit Number 8 was marked 7 for identification.)</p> <p>8 BY MR. ADAIR:</p> <p>9 Q. Why don't you take a look at that. Let 10 me know when you've had a chance to take a look at 11 it.</p> <p>12 A. I did.</p> <p>13 Q. Okay. And this is a -- Exhibit Brewer 8 14 is an October 20, 2010 letter to you from Chief 15 Damore, correct?</p> <p>16 A. Um-hum.</p> <p>17 Q. It's a written warning for violation of 18 the County of Berks disciplinary guidelines policy 19 for failure to follow general instructions or 20 procedures, correct?</p> <p>21 A. Um-hum.</p> <p>22 Q. Is that a yes?</p> <p>23 A. Yes.</p> <p>24 Q. This is discipline that you received as a 25 result of that October 7, 2010 incident, correct?</p>

<p>1 A. Yes.</p> <p>2 Q. First of all, if you look at the second 3 page, is that your signature?</p> <p>4 A. Yes.</p> <p>5 Q. And you had union representation, 6 correct?</p> <p>7 A. Yes.</p> <p>8 Q. Do you know who your union representation 9 was for that?</p> <p>10 A. I don't remember who it was.</p> <p>11 Q. But there's somebody from the union 12 signed there, correct?</p> <p>13 A. Yes.</p> <p>14 Q. Let me look at some of these -- some of 15 these sentences in here; and it says here at 16 approximately 10:07 a.m., Sergeant Pacifico entered 17 Courtroom 3, which was open with civilians and court 18 staff present. That's what it says in this letter, 19 correct?</p> <p>20 A. Um-hum.</p> <p>21 Q. Yes?</p> <p>22 A. Yes.</p> <p>23 Q. And is it your testimony that, in fact, 24 the courtroom was not open and there were no 25 civilians present?</p>	<p>Page 106 </p> <p>1 A. Yes. I never denied that. I sign it and 2 I took full responsibility of it.</p> <p>3 Q. So do you believe that what's written in 4 here is accurate?</p> <p>5 A. Yes.</p> <p>6 Q. Is anything that's written in this 7 inaccurate?</p> <p>8 A. No.</p> <p>9 Q. Do you believe that this discipline was 10 given to you because of your race or your national 11 origin?</p> <p>12 A. Yes.</p> <p>13 Q. Why do you believe that?</p> <p>14 A. Because everybody does that in the 15 sheriff department. When the Judge is not there and 16 they need to get something to drink, it's a -- it's a 17 really laid back job. I'm not saying that it's not 18 risky or we're not going to be able to take full 19 responsibility of the job, but it's an easy job.</p> <p>20 When the Judge is not there and somebody needs to go 21 and get something to drink, everybody does that. The 22 only one that got written up was me.</p> <p>23 Q. Did you misrepresent to Vince Pacifico 24 that you were in a courtroom when you were not, in 25 fact, in that courtroom?</p>
<p>1 A. Not when I left.</p> <p>2 Q. But were there when you got back?</p> <p>3 A. Not that I recall, but if that's what it 4 says, that's what it was.</p> <p>5 Q. Okay. And this goes on to say, Sergeant 6 Pacifico waited for several minutes and then called 7 you on the radio and asked for your location. At 8 that time you responded you were in Courtroom 3. 9 When Sergeant Pacifico answered that he was in 10 Courtroom 3, you then responded that you were on your 11 way. Did I read that correctly?</p> <p>12 A. Yes.</p> <p>13 Q. Is it your memory that Sergeant Pacifico 14 did not call you over the radio from Courtroom 3?</p> <p>15 A. I didn't remember but now that you read 16 it, I recall it. Yes, he called me.</p> <p>17 Q. And did you tell Sergeant Pacifico that 18 you were in Courtroom 3?</p> <p>19 A. That I don't remember that if I told him 20 that I was in the Courtroom 3. That I don't recall 21 that.</p> <p>22 Q. Do you think that that's not accurate?</p> <p>23 A. No.</p> <p>24 Q. So you think that is accurate, you just 25 don't recall it?</p>	<p>Page 107 </p> <p>1 A. I don't recall to say I'm not going to -- 2 to that particular part, I don't recall that.</p> <p>3 Q. Would it be accurate for me to say that 4 you did not provide any response saying -- let me 5 rephrase that. Is it true that you never objected to 6 this discipline and said that it was inaccurate, the 7 representation that you were in the courtroom when 8 you, in fact, you were not in the courtroom?</p> <p>9 A. I never denied this. I signed for it and 10 I took full responsibility even though it totally was 11 unfair because I was the only one written up by doing 12 something like that when everybody does. But I took 13 full responsibility and I admit my mistakes.</p> <p>14 Q. Did you tell your union representative 15 that you thought the reason that you were written up 16 was due to your race and national origin?</p> <p>17 A. No. But I thank you for that. Now I 18 remember who it was, the union representative.</p> <p>19 Q. Who is that?</p> <p>20 A. Mike Gring.</p> <p>21 Q. Mike Gring?</p> <p>22 A. Mike Gring.</p> <p>23 Q. Matt Green?</p> <p>24 A. Mike. Mike. Mike Gring. Now I remember 25 who it was.</p>

28 (Pages 106 - 109)

Page 110	Page 112
1 Q. So you did not tell Mike Gring that you 2 believe you were being disciplined due to your race 3 and national origin?	1 MR. YARNELL: Objection. 2 Q. Correct? 3 MR. YARNELL: It assumes that he could 4 have provided such a response. Are you speaking in 5 response to the comments here or are you speaking in 6 general?
4 A. No, I didn't tell him that because he was 5 very close friends with Pacifico.	7 MR. ADAIR: I think my question is 8 clear.
6 Q. Did you tell anyone else at this time you 7 believed you were being written up due to your race 8 and national origin?	9 BY MR. ADAIR:
9 A. Yes.	10 Q. Can you answer my question?
10 Q. Who?	11 A. Can you rephrase it?
11 A. I told Deputy Ortiz about that. And I 12 told also Deputy Doris Natal. I told her. I was 13 like making a comment out of it because nobody -- 14 nobody in the sheriff department got written up when 15 the Judge is not there. They take little breaks to 16 go to the bathroom, to get something to drink real 17 quick if the Judge is not there. I'm being clear 18 with that. If the Judge is not there and we don't 19 see anybody in the courtroom, everybody take little 20 breaks; and that's what I did.	12 MR. YARNELL: Do you understand it?
21 Q. But that is against the policy, correct?	13 A. Rephrase it again.
22 A. Yeah, you could say that.	14 Q. Absolutely. You had an opportunity to 15 raise an objection to the discipline you received and 16 claim that you believed it was the result of your 17 race and/or national origin, correct?
23 Q. So you told --	18 MR. YARNELL: Objection to the form to 19 the extent it doesn't define what is meant by raised 20 an objection with respect to when, where, how.
24 A. That's why I took my full responsibility 25 of it.	21 MR. ADAIR: We will play this game all 22 day long if you want to go that way. That's fine.
	23 BY MR. ADAIR:
	24 Q. At the time you were disciplined, did you 25 have an opportunity to oppose the discipline that was
Page 111	Page 113
1 Q. Because you violated the policy?	1 given to you?
2 A. Yes.	2 A. Um-hum. Yes.
3 Q. But you had an opportunity back then to 4 raise the fact that this was based upon your race and 5 nationality, correct?	3 Q. And how would you have done that?
6 A. No.	4 A. Well, I had an opportunity to say certain 5 things, but the way that I thought at that time, if I 6 made a mistake, take full responsibility of it; and 7 that's what I did.
7 Q. Why did you not have an opportunity to do 8 so?	8 Q. Sir, you are not answering my question. 9 My question is, did you have an opportunity?
9 A. Well, because I made a mistake, and I'm a 10 person who admits their -- my mistakes. I always 11 admit my mistake. If I made a mistake, I made a 12 mistake, period. I'm human. But nobody -- and you 13 can go through the records, nobody has been written 14 up for getting something to drink or anything when 15 the Judge is out or taking little breaks like that.	10 A. What do you mean did I have an 11 opportunity?
16 Q. You didn't answer my question though.	12 Q. Could you have objected to the discipline 13 given to you?
17 MR. YARNELL: I don't think he 18 understood your question.	14 A. Yes.
19 BY MR. ADAIR:	15 Q. You could have?
20 Q. I'm going to ask my question again.	16 A. Yes.
21 A. Go ahead.	17 Q. And as part of that, could you have said 18 the reason this discipline is being given to me is 19 because I'm Hispanic?
22 Q. My question to you was simply this, you 23 had an opportunity at the time this discipline was 24 given to you to say that I am being disciplined as a 25 result of my race and national origin.	20 A. I could have.
	21 Q. And could you have said the reason this 22 discipline is being given to me is because I'm black?
	23 A. Yes, I could have.
	24 Q. But you didn't, correct?
	25 A. No, I didn't.

29 (Pages 110 - 113)

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1 Q. That was my question.
 2 And, you know, look, we'll stay here
 3 as long as we have to to get these questions
 4 answered.

5 A. Go ahead.

6 Q. I mean, I'm not trying to play games.
 7 I'm not trying to make these difficult, but if you
 8 guys want to play games --

9 A. Seriously, I don't understand the
 10 question. I got to think about it, what you're
 11 asking me.

12 MR. YARNELL: Drew, I'm not playing
 13 games with you. Just ask your questions.

14 BY MR. ADAIR:

15 Q. Would it be accurate for me to say that
 16 you did not tell Chief Damore that you thought you
 17 were being disciplined due to your race or
 18 nationality?

19 A. No, I didn't tell him.

20 Q. When did you tell Deputy Ortiz that you
 21 believe you received this discipline due to your race
 22 or nationality?

23 A. If I can correctly recall, it was like
 24 several days after.

25 Q. And what did Deputy Ortiz advise you to

1 do?

2 A. No, he just told me to be careful with
 3 Pacifico. And then way before that, I'm going to say
 4 I don't have anything to prove it, but somebody who
 5 died, Kyle Lesher, he is a former deputy who died, he
 6 told me when Pacifico came along, be careful, he is a
 7 very racist officer.

8 Q. And I'm going to give you an opportunity
 9 to talk about racism with Pacifico so --

10 A. And then going back to what I talked to
 11 Deputy Ortiz, he told me, well, be careful with him.
 12 That's what he told me. He was at the warrant
 13 division at that time.

14 Q. Did he tell you to go to anybody with
 15 your complaint?

16 A. No, no. We never talk further about
 17 that.

18 Q. How about Doris Natal, when did you tell
 19 her that you thought you were being disciplined for
 20 this incident as a result of your race and
 21 nationality?

22 A. In fact --

23 MR. YARNELL: Excuse me.
 24 (Discussion held off the record.)

25 BY MR. ADAIR:

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1 Q. I was asking you before we took a break
 2 when you told Doris Natal that you thought that this
 3 October 20, 2010 discipline was given to you on the
 4 basis of your race and nationality.

5 A. I don't understand what you mean.

6 Q. Sure. When did you tell Doris Natal that
 7 you believe that you were disciplined because of your
 8 race and nationality?

9 A. I'm not sure but like several days after
 10 that, you know, I don't know, maybe 10, 15 days. I'm
 11 not sure. We got into a conversation and I let her
 12 know that I was written up for the reason that we
 13 have right here. She told me, for that? Everybody
 14 does that around here, nobody gets written up. So
 15 Kyle Lesher was right about that. He is racist and
 16 he going to start. That was like a magic wand.

17 Q. At this point in time you knew -- it was
 18 your understand -- your belief that --

19 A. No, I knew that he was like basically
 20 breathing on my neck all the time. Everywhere that I
 21 was, he was there looking at what I was doing before
 22 this. He was looking for an excuse to write me up.

23 Q. And you believe that the reason he was
 24 doing that was because of your race and nationality?

25 A. Yes.

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1 Q. And it had nothing to do with any other
 2 reason other than your race and nationality?

3 A. No, I don't think so.

4 Q. What did Doris Natal tell you to do when
 5 you told her that you believed you were being
 6 disciplined due to your race and nationality?

7 A. I don't recall she telling me anything
 8 about doing anything else about it. And then when I
 9 talk it over again with Deputy Ortiz, he told me,
 10 well, there's nothing we can do about it because the
 11 sheriff's wife works in the human resources and
 12 nothing is going to happen. It's not going to go
 13 further than that. And then after that he was
 14 subject to numerous investigations, and nothing
 15 happens to Pacifico.

16 MR. YARNELL: Can I ask just one thing
 17 because I'm not clear. The he you're referring to,
 18 when you say he was subject to, was that --

19 THE WITNESS: Sergeant Pacifico. At
 20 that time Sergeant Pacifico.

21 MR. YARNELL: I'm sorry. Go ahead.

22 BY MR. ADAIR:

23 Q. You just referred to the sheriff's wife.
 24 And that's Jessica Weaknecht, correct?

25 A. Yes.

30 (Pages 114 - 117)

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<p>1 Q. And it was your understanding that she 2 was an employee in the human relations department of 3 Berks County, correct?</p> <p>4 A. Honestly I didn't know at that time. I 5 didn't pay attention to details like that. I just 6 went to do my job and went home.</p> <p>7 Q. Was it your understanding that she was 8 not even located in the government services building?</p> <p>9 A. I don't recall that.</p> <p>10 Q. Did you know that Jessica Weaknecht was 11 located out at the Berks County jail?</p> <p>12 A. I didn't know the details. I didn't 13 know.</p> <p>14 Q. Did you know whether Jessica Weaknecht's 15 authority in human resources was limited to the jail 16 at that time?</p> <p>17 A. I don't know about that. I didn't know. 18 I just heard that comment, and for me to write down a 19 complaint or anything about that, I'm like, well she 20 works in human resources so it's not going to go 21 anywhere. And that's what everybody thought about it 22 until things started escalating and getting worse and 23 worse and worse.</p> <p>24 Q. I want to talk to you about the incident 25 that happened on December 2, 2010 in domestic</p>	<p>1 Q. You just had a chance to take a look at 2 Brewer Exhibit 9, which is a December 3, 2010 3 incident report prepared by Carmen Carrero, correct?</p> <p>4 A. Yes.</p> <p>5 Q. Correct?</p> <p>6 A. Yes.</p> <p>7 Q. And do you believe that the information 8 contained in here is accurate?</p> <p>9 A. It is.</p> <p>10 Q. And is there anything in this report that 11 you do not believe is accurate?</p> <p>12 A. So far everything seems accurate to me.</p> <p>13 MR. YARNELL: Read the whole thing.</p> <p>14 A. Okay. Give me one minute.</p> <p>15 Yes.</p> <p>16 Q. Everything is accurate in that report?</p> <p>17 A. Yes.</p> <p>18 MR. YARNELL: Can I ask you for 19 clarity, the term Plaintiff in this report is 20 referring to mothers of children or what is it 21 referring to, do you know?</p> <p>22 MR. ADAIR: I do know that that's 23 referring to mothers of children as compared to --</p> <p>24 because this is domestic relations.</p> <p>25 MR. YARNELL: I assumed so but I</p>
<p>1 relations. That's when the general call went out 2 when you were assigned to domestic relations. Do you 3 remember that incident?</p> <p>4 A. Yes.</p> <p>5 Q. What do you recall from that incident?</p> <p>6 A. Again, I went to get something to drink; 7 and then argument started over two gentlemen, and one 8 of the ladies who work at domestic relations hit the 9 panic button. And then everybody come up.</p> <p>10 Q. But you didn't respond to that panic 11 button, did you?</p> <p>12 A. My radio didn't work.</p> <p>13 Q. Did you tell anybody that your radio 14 didn't work?</p> <p>15 A. Like four or five times I told Sergeant 16 Pacifico and Chief Damore, and they took the radio 17 away several times to fix it; and I don't know if 18 they fix it or not but it never worked</p> <p>19 Q. I'm going to mark this as 9. 20 (Brewer Exhibit Number 9 was marked 21 for identification.)</p> <p>22 BY MR. ADAIR:</p> <p>23 Q. Let me know when you've had a chance to 24 look at that.</p> <p>25 A. That's accurate.</p>	<p>1 just -- the use of the word Plaintiff --</p> <p>2 MR. ADAIR: However, I am not the 3 author of the report, and while I know that that's 4 what it refers to, I can't really testify to that; 5 but I can tell you --</p> <p>6 MR. YARNELL: I'm not asking you to 7 testify.</p> <p>8 MR. ADAIR: That's my understanding.</p> <p>9 BY MR. ADAIR:</p> <p>10 Q. So everything in this report is 11 accurate --</p> <p>12 A. Yes.</p> <p>13 Q. -- to your memory, correct?</p> <p>14 A. (Witness nodded head.)</p> <p>15 Q. Correct?</p> <p>16 A. Yes.</p> <p>17 Q. So on December 2nd, 2010, between 11:00 18 and 11:15 you told Ms. Carrero that you were going to 19 go get a cup of coffee, correct?</p> <p>20 A. Um-hum.</p> <p>21 Q. Yes?</p> <p>22 A. Yes.</p> <p>23 Q. And while you were away, between 11:15 24 and 11:30 an incident broke out in domestic 25 relations, correct?</p>

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1 A. Yes.
 2 Q. But you weren't there, right?
 3 A. No.
 4 Q. And as a result of that incident, Ms. Carrero hit the panic button, correct?
 5 A. Yes.
 7 Q. And you were not one of the deputies that responded to that, correct?
 9 A. No.
 10 Q. Deputy Hatsfield responded and Deputy Fanok, F-A-N-O-K --
 12 A. Yes.
 13 Q. -- responded to escort an unruly person out of domestic relations, correct?
 15 A. Yes.
 16 Q. And then you showed up between 11:40 and 17 11:45, correct?
 18 A. That's the only thing that I'm not in agreement. It wasn't that long. It wasn't -- the -- everything is accurate except for the time. I know for a fact that I didn't last that long getting something to drink.
 23 Q. How long were you gone?
 24 A. I'm not sure but it wasn't that long because it was a matter of going down and coming back

1 A. Probably that day or a little bit after that.
 3 Q. You haven't talked to her since then?
 4 A. No.
 5 Q. When you came back up, had you brought a poinsettia?
 7 A. Somebody gave me a poinsettia, like some flowers because I don't know who point me out and told the lady who was selling that he was a Veteran, an Army Veteran or something like that, that I served in the Army. Oh, thank you for your service and she gave me one of those, one of those small flowers, Christmas flowers.
 14 Q. So in addition to the drink you brought a poinsettia back up to domestic relations?
 16 A. Yes, yes, yes.
 17 Q. And did you give that poinsettia to Ms. Carrero?
 19 A. No, I turned it over, I put it -- yeah, you want this? They gave it to me, and I give it to her. Now that I brought her because I wanted it to, was coincidental.
 23 Q. Did you request relief prior to going down to get a cup of coffee that day?
 25 A. Yes, I believe like two times; and they

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1 up. Grabbing whatever I went to grab and coming back up right away. When I came up, everything was already solved and all the other deputies were there.
 4 I didn't hear anything on my radio.
 5 Even though they told me the captain is calling you, but I don't hear anything. And what's the name, Robert Essig, Deputy Essig, he was hearing everybody's radio except mine. He said, you're right, your radio's not working. I'm like, well, I didn't hear anything; and I tried to turn it back on and on, and it didn't work.
 12 Q. So you don't know how long you were gone?
 13 A. I'm not going to be -- I'm not going to tell you specifically but it wasn't like low minutes.
 15 It was a matter of went downstairs, pick something up and went back upstairs right away.
 17 Q. What did you pick up?
 18 A. I don't remember if it was a cup of coffee or soda or something to drink real quick.
 20 Q. Do you know Carmen Carrero?
 21 A. She is a coworker that was working there, but not that I know as really friends or anything like that.
 24 Q. When was the last time you talked to Ms. Carrero?

1 told me that they didn't have anybody available at that time. I kept waiting and waiting and waiting. I wait for a period of time that I don't recall right now.
 5 Q. But then you finally went and got your cup of coffee, correct?
 7 A. Yes.
 8 Q. Without requesting relief at that time?
 9 A. Yes.
 10 Q. Now, Vince Pacifico, did he have anything to do with that incident in domestic relations?
 12 A. No, not that I recall, no. He got involved later on.
 14 Q. With this incident?
 15 A. Yeah.
 16 Q. How did he get involved later on?
 17 A. When I was getting this written up and everything, he got involved and he started adding fuel to the fire, if I could say something like that.
 20 Q. Explain to me what he did.
 21 A. Instigating things and saying how bad of a deputy I was, this and that, and a whole bunch of stuff.
 24 Q. Who did he say that to?
 25 A. To Chief Damore at that time.

32 (Pages 122 - 125)

Page 126	Page 128
1 Q. So he --	1 and he start saying things that I didn't even pay
2 A. I mean he was saying it to everybody in	2 attention to. But he was saying something. I don't
3 the conference room when I was getting this -- which	3 quite remember right now.
4 I get a suspension for this.	4 Q. You don't remember anything he said?
5 Q. Correct. And we'll talk about that in a	5 A. Right at this particular moment, I don't
6 minute. But he said to Chief Damore -- he was in a	6 remember. Maybe I remember like two or three days
7 conference room with Chief Damore?	7 from now, but I don't remember right now.
8 A. No, no, no. When I was getting this	8 Q. I understand but I'm not going to get to
9 disciplinary written up, he just show up. I don't	9 talk to you two or three days from now.
10 know if he was supposed to get involved in that or --	10 A. I know that. But I'm saying that right
11 I don't remember. I don't recall. But he just show	11 now -- right at this particular moment I don't
12 up and he start saying bad things about me and he	12 remember what he was saying.
13 start telling me things that I don't quite recall	13 Q. Okay. You were interviewed following
14 right now.	14 this incident by Samantha Palkowski from human
15 Q. I'm going to have to ask you exactly what	15 resources, correct?
16 he said.	16 A. Yes.
17 A. I don't remember.	17 Q. Would you agree with me that when you
18 Q. You said he said bad things about you	18 were interviewed by Ms. Palkowski, that you did not
19 during a disciplinary conference?	19 mention anything that you thought that this incident
20 A. Um-hum.	20 was given to you -- that this discipline was being
21 Q. What did he say?	21 given to you or you were being investigated as a
22 A. He was trying to like instigate it, like	22 basis of your race or national origin?
23 to make me look bad or make me feel bad. I don't	23 A. No.
24 remember exact words.	24 Q. So you didn't say anything about race or
25 Q. How about the substance, what was the	25 national origin, correct?
Page 127	Page 129
1 topic that he was discussing?	1 A. I didn't mention none of that.
2 A. I don't remember exact words. I'm not	2 Q. Why not?
3 going to break my mind right now thinking about	3 A. I didn't mention it. I thought at that
4 what -- I don't remember. I know that he was there	4 time anything that I say against Pacifico or anything
5 instigating and all that but I don't remember exactly	5 at all, it would be bad because he had been subject
6 what he said.	6 for many investigations and nothing have been done to
7 Q. My question is not exactly what he said.	7 him. But this particular one --
8 My question is the topic, what topic was he	8 Q. Hang on, hang on. Before you go on, you
9 discussing?	9 told that to Ms. Palkowski?
10 MR. YARNELL: Do you understand what	10 A. No.
11 he's asking you?	11 Q. So you didn't mention any of that to Ms.
12 A. What do you mean the topic that he was	12 Palkowski?
13 discussing?	13 A. No.
14 Q. You don't remember exactly what he was	14 Q. You didn't mention race or national
15 saying, but how about generally what was the gist of	15 origin at all?
16 what he was saying?	16 A. No, no, no.
17 A. Specifically what he was saying, I don't	17 Q. We'll mark this one as 10.
18 remember. I told you I don't remember.	18 (Brewer Exhibit Number 10 was
19 Q. And again, I'm not asking you	19 marked for identification.)
20 specifically, I'm asking you generally.	20 BY MR. ADAIR:
21 A. And again and again, I don't remember	21 Q. Before we go to that and before you take
22 what he said specifically. I remember that Chief	22 a look, let me ask you another question. If you had
23 Damore was giving me the written up. He was giving	23 wanted to say something to Ms. Palkowski that you
24 me a five-day suspension, that if I want to fight it,	24 believe you were being disciplined as a result of
25 that he was giving me all the options and everything;	25 race or your national origin, you could have said

33 (Pages 126 - 129)

<p style="text-align: right;">Page 130</p> <p>1 something to her, correct?</p> <p>2 A. Well, to be honest with you, at that time 3 I didn't thought it was going to go anywhere. It was 4 not -- that's what was my understanding at that time, 5 that if I would have say something anyways, he 6 wouldn't go. In this particular moment, I was going 7 to say in my regular work, and I didn't even mention 8 that.</p> <p>9 Q. Hang on, because we're not at this 10 document that you're looking at yet, okay.</p> <p>11 But there was -- no one stopped you 12 from saying to Ms. Palkowski, I think that I'm being 13 disciplined as a result or I think this whole 14 incident is the result of my race and national 15 origin, correct?</p> <p>16 MR. YARNELL: He just testified that 17 he felt it was pointless.</p> <p>18 MR. ADAIR: No, he did not testify to 19 that. In fact, you're testifying to it right now. 20 That was not his language.</p> <p>21 MR. YARNELL: His words were I didn't 22 think it would go anywhere.</p> <p>23 MR. ADAIR: Steve, it's his testimony.</p> <p>24 MR. YARNELL: That's what he said.</p> <p>25 MR. ADAIR: Let him testify.</p>	<p style="text-align: right;">Page 132</p> <p>1 A. Yes.</p> <p>2 Q. Thank you. Now, if you take a look at 3 what we marked as Exhibit 10. Have you had a chance 4 to take a look at it?</p> <p>5 A. Um-hum.</p> <p>6 Q. Before I ask you this, you didn't tell 7 Ms. Palkowski that your radio didn't work, did you?</p> <p>8 A. No, I didn't tell her.</p> <p>9 Q. Now, you were disciplined as a result of 10 the incident in domestic relations, but you were also 11 disciplined for another incident as well, correct?</p> <p>12 A. That one I try to explain to them that I 13 didn't know the outside area of Reading, that I 14 needed a GPS or a map in order for me to keep doing 15 the other subpoenas. And it was never provided.</p> <p>16 Q. So the other incident, that was a 17 December 6, 2010 incident where you were assigned to 18 serve subpoenas?</p> <p>19 A. Subpoenas.</p> <p>20 Q. Correct?</p> <p>21 A. Yes.</p> <p>22 Q. And you served some subpoenas but you 23 didn't serve all of them, correct?</p> <p>24 A. All the Reading area part, I serve them 25 all. But when it was like I don't know these</p>
<p style="text-align: right;">Page 131</p> <p>1 MR. YARNELL: You want to say it 2 again, go ahead.</p> <p>3 A. At that particular moment, and any other 4 moment, I didn't think it was going to go anywhere.</p> <p>5 Q. I'll ask my question again. No one 6 stopped you from saying it was as a result of your 7 race or your national origin, correct?</p> <p>8 A. No, nobody stopped me.</p> <p>9 Q. And you could have, if you had chosen to, 10 said that you thought it was the result of my race 11 and national origin, correct?</p> <p>12 A. Then at that time -- to be honest with 13 you, I was kind of -- I was even afraid of saying 14 anything at that time. I didn't want to say anything 15 because I know for a fact that they were going to 16 take Pacifico's side on it.</p> <p>17 Q. Sir, I'm going to ask you the same 18 question.</p> <p>19 Will you just read the question 20 back, and will you just answer the question?</p> <p>21 A. Ask me the question again.</p> <p>22 MR. ADAIR: Will you read that back to 23 him, please.</p> <p>24 (The reporter read the referred-to 25 portion of the record.)</p>	<p style="text-align: right;">Page 133</p> <p>1 address, I don't know, I went back to the control 2 room. I told Joe Garipoli if I can talk to any 3 sergeant. He told me there was no sergeant 4 available. And I try to contact somebody to get me a 5 GPS, a map or something that I could go back out 6 there and finish the subpoenas. I try to explain 7 that.</p> <p>8 And every time I made a mistake or 9 something I always -- I admit to it. In the other 10 one about the subpoenas, I didn't get any GPS or a 11 map when I told them that I didn't know the outside 12 of the Reading area.</p> <p>13 Q. Now, in this discipline, if you look at 14 the second page of it, which is marked as Berks 411, 15 it says during the investigation interview on 16 December 8, 2010 by your own admission you did not 17 complete any work the rest of your shift, returning 18 the subpoenas not served to the department. Did I 19 read that correctly?</p> <p>20 A. Where is that at?</p> <p>21 Q. I'm sorry, it's the first paragraph, a 22 couple sentences down.</p> <p>23 A. Okay, got it.</p> <p>24 MR. YARNELL: He's asking whether 25 those are the words that are there.</p>

34 (Pages 130 - 133)

<p style="text-align: right;">Page 134</p> <p>1 A. Yes, that's what it is.</p> <p>2 Q. The next sentence says, you continue to 3 state you are not familiar with the City of Reading, 4 therefore you could not complete the assignment. 5 Further, you failed to ask for a map, GPS unit or 6 speak to a supervisor to help serve the subpoenas or 7 find other tasks to complete.</p> <p>8 My first question, did I read that 9 correctly?</p> <p>10 A. Yes, you read that correctly.</p> <p>11 Q. Do you agree with that sentence?</p> <p>12 A. No.</p> <p>13 Q. So you believe -- it's your testimony 14 that you did ask for a map or GPS?</p> <p>15 A. Yes, I did.</p> <p>16 Q. So you believe that that is inaccurate in 17 this discipline, correct?</p> <p>18 A. Yes, it is inaccurate.</p> <p>19 Q. Did you ever bring that to anyone's 20 attention, that that is not accurate?</p> <p>21 A. I told Mike Gring again. He was the 22 union rep. And I told him, Deputy Gring, I didn't 23 have any map or any GPS because I don't know the 24 outside area of Reading. I know Reading area, well 25 at least in my part of it. If I don't know, I can</p>	<p style="text-align: right;">Page 136</p> <p>1 representative to be present?</p> <p>2 A. There was no one available.</p> <p>3 Q. Did you ask for it to be postponed?</p> <p>4 A. And then --</p> <p>5 Q. Hang on. Did you ask for it to be 6 postponed?</p> <p>7 A. No.</p> <p>8 Q. Why not?</p> <p>9 A. No, I didn't ask to be postponed because 10 I didn't know that I was supposed to ask that at that 11 time.</p> <p>12 Q. On this last page where there is a 13 section that says employee reasons or response, did 14 you indicate that you had actually asked for a radio 15 or a map -- I mean a map or GPS?</p> <p>16 A. Yes, I told -- what's the name, Deputy 17 Garipoli if there were any supervisors around, any 18 captain that can provide me with something or let him 19 know what's going on. And he told me there was no 20 sergeant around.</p> <p>21 Q. I'm sorry, I'm not following you. This 22 was during the disciplinary hearing?</p> <p>23 A. No, no, no. That was before. I'm 24 telling you the facts of this.</p> <p>25 Q. I'm not talking about that right now.</p>
<p style="text-align: right;">Page 135</p> <p>1 find it easily. But the outside area like Exeter and 2 Shillington, at that time I didn't know anything 3 about it. So it was pointless for me to get out of 4 there without any tools to serve those subpoenas.</p> <p>5 Q. So it's your recollection that Mike Gring 6 was present with you during this disciplinary -- when 7 this discipline was given to you?</p> <p>8 A. I believe they called him. They called 9 him and then I talked to him. I don't know if it was 10 after or before, but I remember that I talked to him 11 and let him know about this.</p> <p>12 Q. Now, if you look at the last page, you 13 signed this last page, correct?</p> <p>14 A. Yes.</p> <p>15 Q. And you also initialed where it says 16 employee initial if union representation is waived, 17 correct?</p> <p>18 A. Um-hum.</p> <p>19 Q. Yes?</p> <p>20 A. Yes.</p> <p>21 Q. So when you received this discipline, you 22 didn't have union representation, correct?</p> <p>23 A. Yeah, but I talked to Mike about that 24 because he wasn't able to be there at that time.</p> <p>25 Q. Did you ask for another union</p>	<p style="text-align: right;">Page 137</p> <p>1 We're at the disciplinary hearing. I'm asking you, 2 on this last page where it says employee reason or 3 response, you could have indicated there that you 4 believed that this was inaccurate, correct, that you 5 had actually asked for a GPS or a map; but you did 6 not indicate, did you?</p> <p>7 A. No, I didn't.</p> <p>8 Q. Why not?</p> <p>9 A. To be honest with you, I don't recall. I 10 don't recall why I did that, why I didn't write that 11 down.</p> <p>12 Q. And you received a five-day suspension 13 for this, correct?</p> <p>14 A. Yes.</p> <p>15 Q. And you also didn't indicate that you -- 16 that your radio wasn't working, did you?</p> <p>17 A. Well, at the time of my disciplinary I 18 didn't say that, but before that and between the 19 times I always turn it back to Sergeant Pacifico and 20 to Chief Damore and let them know my radio is not 21 working, my radio's not working, my radio's not 22 working. I told him like four or five times. And 23 they took the radio, keep it for like two or three 24 days and then give it back to me saying that it was 25 fixed already.</p>

35 (Pages 134 - 137)

1 Q. But you had an opportunity to put that
 2 down in response to the discipline and you didn't,
 3 correct?
 4 A. No, I didn't.
 5 Q. And you had an opportunity to indicate
 6 that you believe this discipline was being given to
 7 you as a result of your race or national origin; and
 8 you didn't indicate that to Chief Damore, did you?
 9 A. No.
 10 Q. And you didn't indicate that to Sam
 11 Palkowski either, did you?
 12 A. No.
 13 Q. And you didn't tell Sheriff Weaknecht,
 14 did you?
 15 A. No, I never had the opportunity to speak
 16 with Sheriff Weaknecht.
 17 Q. Did you ask to speak with him?
 18 A. No.
 19 Q. Did you believe that this -- these two
 20 incidents, that you should have been disciplined as a
 21 result of these two incidents?
 22 A. Yes.
 23 Q. Did you believe a five-day suspension was
 24 appropriate?
 25 A. Yes.

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1 volunteered to bring the prisoner to make the sheriff
 2 department look good and all that.
 3 I went upstairs, I asked one of the
 4 employees, one of the female staff, if I could leave
 5 him in the conference room. She said no, because
 6 there's no law enforcement officers around, there's
 7 no detectives around. I said okay, no problem.
 8 Since I didn't find anybody, I went
 9 inside the conference room. I sit the prisoner in
 10 the chair, and then I proceed to make a phone call,
 11 say control room, to see who was requesting that
 12 prisoner. And they told me it was Detective Ivan
 13 Martinez. He's on his way down from the 15th floor
 14 right now.
 15 And, okay, so he should be here,
 16 because I got to go back to my courtroom, my
 17 assignment. Yeah, he should be there soon. I was
 18 waiting there; and then like roughly like two, three
 19 minutes after that, Detective Martinez show up. I
 20 told him, is that the prisoner you request? He said,
 21 yes, thank you. I shake hands with him, and I went
 22 on my way. That's what I recall right now.
 23 Q. Did you at any point in time leave the
 24 room, the conference room --
 25 A. No. No.

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1 Q. I'm looking at the last paragraph here,
 2 and it says -- I'm going to ask you to take a look at
 3 the last paragraph, on the last page.
 4 A. Um-hum.
 5 Q. You're expected to follow all policies
 6 and procedures at the County of Berks in the
 7 sheriff's department as well as maintain satisfactory
 8 work performance. Any further infractions or future
 9 incidents of this nature will result in immediate
 10 termination of your employment with the County of
 11 Berks. Did I read that accurately?
 12 A. Yes. Yes.
 13 Q. Was it your understanding that any
 14 further infractions or future incidents of that
 15 nature would result in your immediate termination?
 16 A. Yes.
 17 Q. Let's talk about the May 19th, 2011
 18 incident, and that's the incident that occurred in
 19 the district attorney's office for which you were
 20 terminated. What do you recall from that incident?
 21 A. Basically I was on lunch, and there was a
 22 prisoner that need to be taken all the way up to the
 23 district attorney's office; and I told -- I knew that
 24 I had these two infractions already, so I wanted to
 25 like wake up and not do anything wrong. So I

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1 Q. Let me ask my question, okay?
 2 A. Okay.
 3 Q. At any point in time did you leave the
 4 conference room with the prisoner inside of it?
 5 A. No.
 6 Q. Do you know who Wendy Bundens is?
 7 A. No.
 8 Q. Do you know who Bobbi Green is?
 9 A. No.
 10 Q. If I represented that those were the two
 11 women who were in the district attorney's office who
 12 you spoke with that day, does that refresh your
 13 recollection?
 14 A. I remember seeing one of them, not two.
 15 MR. YARNELL: Could you say the names
 16 again?
 17 MR. ADAIR: Wendy Bundens,
 18 B-U-N-D-E-N-S.
 19 MR. YARNELL: B-U-N --
 20 MR. ADAIR: D-E-N-S and Bobbi Green.
 21 MR. YARNELL: Thank you.
 22 (Brewer Exhibit Number 11 was
 23 marked for identification.)
 24 BY MR. ADAIR:
 25 Q. Let me know when you have had a chance to

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<p>Page 142</p> <p>1 take a look at it.</p> <p>2 (Discussion held off the record.)</p> <p>3 BY MR. ADAIR:</p> <p>4 Q. We'll go back on the record. Have you 5 had a chance to look at this document?</p> <p>6 MR. YARNELL: Have you read every 7 word of this?</p> <p>8 BY MR. ADAIR:</p> <p>9 Q. If not, read it, please. Take your time. 10 Have you had a chance to take a look at it?</p> <p>11 A. Yes.</p> <p>12 Q. I want to ask you some questions about 13 this termination notice. I'm going to ask you the 14 accuracy of some stuff. And I'm not going to ask you 15 just whether you think all this is accurate because I 16 think you believe there are inaccuracies in this 17 report, correct?</p> <p>18 A. Yes.</p> <p>19 Q. So let's see what parts we can agree on. 20 This says on December -- I'm reading from the first 21 full paragraph there. On Thursday, May 19th, 2011 22 you escorted a prisoner to the district attorney's 23 office. When you arrived there you asked the 24 district attorney staff member if you could leave the 25 prisoner with them. Is that part accurate?</p>	<p>Page 144</p> <p>1 needed elsewhere. You asked again if you could leave 2 the prisoner with the staff member, to which she 3 again declined and informed you that she would 4 contact Detective Martinez. Is that part accurate?</p> <p>5 A. No. Because --</p> <p>6 Q. Explain what's not accurate.</p> <p>7 A. Well, I'm the one who called the control 8 room to find out. I don't know if she did it on her 9 own, I don't know about that. But I did call the 10 control room, and they told me -- to be specific, it 11 was Deputy Fell. She told me, I already spoke with 12 Detective Martinez. He's on his way down from the 13 15th floor. He's going to meet you down there, on 14 the 5th floor in the direct attorney's office.</p> <p>15 Q. It then says, at this time you follow the 16 staff member around the corner and down the hall to 17 the nearest administrative employee's desk, which 18 resulted in you leaving the prisoner unattended, out 19 of your line of sight and several feet away from you 20 for approximately three minutes. Is that accurate?</p> <p>21 A. No.</p> <p>22 Q. So you did not follow her --</p> <p>23 A. No.</p> <p>24 Q. -- down the hall -- hang on. Let me ask 25 my whole question. You did not follow her down the</p>
<p>Page 143</p> <p>1 A. Yes.</p> <p>2 Q. And the staff member told you that you 3 could not leave the prisoner with her. Is that part 4 accurate?</p> <p>5 A. Yes.</p> <p>6 Q. So you proceeded to take the prisoner to 7 a conference room and place a phone call to the 8 sheriff's department control room to confirm the 9 drop-off location. Is that accurate?</p> <p>10 A. Yes.</p> <p>11 Q. The control room relayed the request was 12 made for the prisoner to meet Detective Martinez in 13 the district attorney's office. And I believe that's 14 what you testified to earlier, correct?</p> <p>15 A. Yes.</p> <p>16 Q. While in the conference room, the staff 17 member also verified the prisoner was to see 18 Detective Martinez and Detective Martinez was on the 19 15th floor. Is that accurate?</p> <p>20 A. No.</p> <p>21 Q. So she didn't tell you that Detective 22 Martinez was on the 15th floor?</p> <p>23 A. I don't recall that, no.</p> <p>24 Q. You explained that you could not escort 25 the prisoner to the 15th floor because you were</p>	<p>Page 145</p> <p>1 hall to the administrative employee's desk?</p> <p>2 A. Nope.</p> <p>3 Q. And so you did not -- at no point in time 4 was the prisoner left out of your sight?</p> <p>5 A. Nope.</p> <p>6 Q. Prior to this -- prior to this day, this 7 incident, had you ever seen that woman from the 8 district attorney's office that's referenced in this 9 report?</p> <p>10 MR. YARNELL: Do you recall the woman?</p> <p>11 THE WITNESS: No.</p> <p>12 MR. YARNELL: Which?</p> <p>13 MR. ADAIR: I'm sorry.</p> <p>14 MR. YARNELL: I don't know if he's 15 answering what I said or what you said.</p> <p>16 BY MR. ADAIR:</p> <p>17 Q. I'll ask the question again. Because, 18 again, I'm not trying to trick you here. The woman 19 that you talked to on that day in the district 20 attorney's office, prior to May 19th, 2011 had you 21 ever seen her before?</p> <p>22 A. Not that I recall. I don't even remember 23 her face.</p> <p>24 Q. Have you seen her since that time?</p> <p>25 A. No.</p>

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1 Q. Do you know whether she would have any
2 reason to lie about you?
3 MR. YARNELL: You can answer his
4 question but --
5 A. I don't know.
6 Q. You don't know if she would have a reason
7 to lie about you?
8 A. I don't know.
9 Q. Do you have any suspicions why she might
10 tell a falsehood about you?
11 A. No.
12 MR. YARNELL: You can answer the
13 question, but it's pure speculation.
14 A. I wouldn't know.
15 MR. ADAIR: It's not speculation if he
16 has a reason that he believes.
17 MR. YARNELL: He's already testified
18 that he doesn't know the reasoning.
19 Go ahead.
20 BY MR. ADAIR:
21 Q. You were terminated as a result of this
22 incident, correct?
23 A. Yes.
24 Q. And do you believe that discipline for
25 this incident was the result of your race or your

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1 Q. Do you know anyone who -- has anyone ever
2 told you that she and Pacifico know each other?
3 A. No.
4 Q. Did Pacifico have -- did you ever -- did
5 Pacifico ever interview you as a result of this
6 incident?
7 A. No.
8 Q. Was Pacifico present when you were being
9 interviewed as a result of this incident?
10 A. No.
11 Q. Do you have any firsthand knowledge as to
12 whether Pacifico spoke with Chief Damore about this
13 incident?
14 A. Not that I know of.
15 Q. Do you know anyone who has firsthand
16 knowledge of whether Pacifico spoke to Chief Damore?
17 A. No.
18 Q. Do you know whether Pacifico spoke with
19 Sam Palkowski about this incident?
20 A. No.
21 Q. When you were interviewed, you were
22 interviewed by Sam Palkowski and Chief Damore about
23 this incident, correct?
24 A. Yes.
25 Q. And did you tell either one of them that

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1 nationality?
2 A. Honestly, I don't know how to prove it,
3 but I believe so.
4 Q. Why do you believe it was done on the
5 basis of your race and nationality?
6 A. Because Pacifico was involved.
7 Q. How was Pacifico involved?
8 A. I have a strong belief that he called her
9 and told her what to say.
10 Q. And by her you're referring to the woman
11 in the district attorney's office?
12 A. Yes.
13 Q. Did you observe him do that?
14 A. No.
15 Q. Do you know anyone who observed him do
16 that?
17 A. No.
18 Q. Have you ever talked to anyone who has
19 any firsthand knowledge that Pacifico called this
20 woman?
21 A. No.
22 Q. Do you know whether Pacifico even knows
23 who she is?
24 A. I don't know. I wouldn't know about
25 that.

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1 you believe that this incident was the result of your
2 race or nationality?
3 A. No.
4 Q. Why not?
5 A. If I would have said anything, it was not
6 going to go anywhere anyway because of the reason
7 that I told you before. He has been into a lot of
8 investigation before and nothing happens, and he got
9 everything under control around there.
10 Q. I'm sorry, I don't understand.
11 A. Pacifico has everything under control,
12 and human resources. He know people and there was no
13 way that he -- at that particular time he was going
14 to get anything -- any complaint go through with him.
15 Q. Let me stop you for a minute. Who did
16 Pacifico know in human resources?
17 A. I don't know. He just --
18 Q. Why did you think Pacifico knew anybody
19 in human resources?
20 A. Well, there's certain things that I don't
21 have the proof of it. I'm not going to talk about it
22 because I don't have proof.
23 Q. This is my chance to ask you questions,
24 sir, and I want to know why do you think Pacifico had
25 connections in human resources?

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1 A. I don't have any --
 2 MR. YARNELL: Just tell him what you
 3 think.
 4 A. Well, there was a comment that he was
 5 dating somebody from human resources.
 6 Q. Who made that comment?
 7 A. There's a few people that make that
 8 comment that I heard from that I'm not going to
 9 mention any names, but I know for a fact that they
 10 were mentioned around -- that's why every time he got
 11 any investigation going on, nothing happens to him.
 12 Q. All right. I'm going -- I got to follow
 13 up on that. First of all, who did you hear he was
 14 dating in human resources?
 15 A. I really don't know because I didn't pay
 16 attention to any other people. I just overheard
 17 people talking about that.
 18 Q. Who did you overhear? Who said that he
 19 was dating someone from human resources?
 20 A. I don't quite recall right now, but I
 21 heard a lot of comments on that; and since I don't
 22 like gossip or anything like that, always when I
 23 heard any comments like that, I just like kind of get
 24 away from that.
 25 Q. Here's my problem. You've sued my

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1 clients. You're making allegations that Pacifico was
 2 involved in this. You're telling me that you've
 3 heard comments that he's dating someone from human
 4 resources. You understand that this is my
 5 opportunity to ask you questions, correct?
 6 A. Yes.
 7 Q. And you don't know --
 8 MR. YARNELL: I want to tell him
 9 something.
 10 MR. ADAIR: I'm going to ask him my
 11 question, and then you can talk to him, you can tell
 12 him after that.
 13 MR. YARNELL: Fine.
 14 BY MR. ADAIR:
 15 Q. You don't know anyone who made the
 16 comment that Pacifico was dating someone in human
 17 resources?
 18 A. Specifically I don't remember names or
 19 anything like that but I just heard the comments
 20 around. I can't tell you specifically who it was,
 21 who comment on that.
 22 MR. YARNELL: What he has just said is
 23 correct. If you know the name of any person, you may
 24 not shield them from being questioned. If you have
 25 any name of anybody -- if you don't recall it, you

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1 can say you don't recall it if that's true. But if
 2 you recall the name of any person who has -- from
 3 whom you heard this or who has said it, whether now
 4 or another time, you must tell him.
 5 A. I wish -- I wish I would know some names
 6 right now and I recall some names and I could tell
 7 you that. But I don't recall any name right now.
 8 What I remember the comments all the way around about
 9 that.
 10 Q. Okay.
 11 A. That's why he felt like he was
 12 untouchable at that particular time.
 13 Q. Did he tell you he felt he was
 14 untouchable?
 15 A. He didn't need to say it. The way he
 16 walk, his demeanor, the way that he treat people,
 17 especially Hispanic people.
 18 Q. You indicated that Vince Pacifico, you
 19 believe, was maybe dating somebody in HR. How about
 20 Chief Damore, why didn't you tell him that you
 21 thought this was the basis for race or nationality?
 22 He's not in HR.
 23 A. Well, I don't have any solid proof about
 24 that.
 25 Q. About what? Why you didn't tell him?

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1 A. No, no, no. About the comments that he
 2 was dating somebody in human resources. I don't have
 3 proof of that. I'm just telling you -- you're asking
 4 me and I'm telling you what I know and what I heard.
 5 Q. I guess -- here's what I don't
 6 understand. You're getting fired as a result of
 7 something that you're now saying was done because of
 8 your race and nationality, and you're interviewed by
 9 Chief Damore --
 10 A. Um-hum.
 11 Q. -- and you don't mention race and
 12 nationality. Why not?
 13 A. To be honest with you, I don't know. I
 14 don't know why I didn't mention that. Maybe I was
 15 confused at that time, I didn't know what to say. I
 16 was totally -- oh.
 17 Q. Let's turn back to the discipline,
 18 document 11; and you had union representation,
 19 correct?
 20 A. Yes.
 21 Q. By Kim DeVault?
 22 A. Yes.
 23 Q. Did you tell her that you believed that
 24 you -- that this discipline was the basis of your
 25 race and nationality?

39 (Pages 150 - 153)

1 A. She didn't defend me. She didn't say
 2 anything at all. So I didn't find the confidence to
 3 say anything to her. She just sit there and, oh, got
 4 to sign right here. I don't -- it was bull. I
 5 didn't find the opportunity to say -- I didn't feel
 6 confident to say at that time.

7 Q. Even though you were being terminated?

8 A. Yes.

9 Q. Did you feel confident to say it in your
 10 own right?

11 A. Yes.

12 Q. Then why didn't you say it?

13 A. Well, I wasn't confident enough, like I
 14 told you, I was really confused about all of this at
 15 that time. I didn't know what to think. I didn't
 16 know what to do.

17 At that particular moment when I was
 18 getting fired, I was nervous, I was throwing up.
 19 There was a sergeant looking at me like they want to
 20 shoot me or something like that, they want to escort
 21 me out of the building. I was nervous.

22 The way that I saw him looking at me,
 23 I gave him all my magazines and everything, letting
 24 him know that I'm not a threat, that I'm not a
 25 violent person. I was totally nervous at that time.

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1 Q. You would agree with me, would you not,
 2 that you signed this grievance on June 15, 2011,
 3 which was just short of a month after you were
 4 terminated, correct?

5 A. Yes.

6 Q. But you still didn't mention to them that
 7 you believed you were being terminated based on your
 8 race and nationality, correct?

9 A. No.

10 Q. Is it your understanding that that
 11 grievance was ultimately withdrawn by the union?

12 A. No, I didn't know that.

13 Q. I guess my question is this, do you know
 14 why the grievance was withdrawn?

15 A. I didn't know. Nobody told me. Nobody
 16 communicate anything with me. Not that I recall.

17 Q. Do you know -- did you know Mike Natale,
 18 N-A-T-O-L-E, who is an office manager for the
 19 district attorney's office?

20 A. No, I don't really recall that name.

21 Q. Did you ever have any contact with the
 22 office manager for the district attorney's office?

23 A. Not that I remember.

24 Q. Turning back to Exhibit 11, which is the
 25 discipline, you were terminated for failure to follow

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1 Q. That's why you didn't mention it?

2 A. I feel nervous. I was confused and
 3 nervous at that time.

4 Q. Now, do I understand that -- actually,
 5 might as well mark this.

6 (Brewer Exhibit Number 12 was
 7 marked for identification.)

8 BY MR. ADAIR:

9 Q. I will represent to you that Exhibit 12
 10 is a grievance that your attorney supplied to me. Is
 11 that your signature on the lower right-hand corner?

12 A. Yes.

13 Q. And do you know whether the union filed a
 14 grievance as a result of your termination?

15 A. I don't recall.

16 Q. That is your signature, correct?

17 A. Yes.

18 Q. Did you ever tell anyone in the union
 19 after you were terminated that you believe you were
 20 terminated on the basis of your race and nationality?

21 A. No.

22 Q. Why not?

23 A. Like I told you before, I was feeling
 24 nervous. I was feeling all -- I couldn't think right
 25 at that time. I was -- I wasn't myself at that time.

1 general instructions and procedures, correct? If you
 2 look at the top. Feel free to read it. I'm not
 3 trying to --

4 MR. YARNELL: That's what it says.

5 A. If that's what it says, that's what they
 6 wrote down.

7 Q. That's what they classified it as?

8 A. Yes.

9 Q. Let me rephrase that. That is how they
 10 classified it, correct?

11 A. Yes.

12 Q. And in fact, the other discipline that
 13 you received, none of that was for insubordination,
 14 was it?

15 A. Insubordination, no.

16 MR. YARNELL: You understand?

17 Q. You were never disciplined for
 18 insubordination, were you?

19 A. No. Disobeyed anybody -- any order?

20 No. Not that I recall, no.

21 Q. I mean all the discipline we just looked
 22 at, none of that was for insubordination?

23 A. No.

24 Q. Let me -- what I want to do is I want to
 25 go over some of these allegations because you make a

40 (Pages 154 - 157)

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<p>1 lot of allegations in your complaint and I want to go 2 over what you contend in there so I can understand 3 what you're talking about. So we might as well -- we 4 might as well mark this. This is the complaint. 5 (Brewer Exhibit Number 13 was marked for 6 identification.)</p> <p>7 BY MR. ADAIR:</p> <p>8 Q. I'll have you take a look at that. This 9 is your verified complaint that was filed in the 10 case, correct?</p> <p>11 A. Yes.</p> <p>12 Q. If you look to the last page -- and 13 although this is your typed signature rather than 14 signed signature, you reviewed the complaint and the 15 information in it was true and correct to the best of 16 your knowledge, correct?</p> <p>17 A. Yes.</p> <p>18 Q. My first question -- and I'm just going 19 to go through this -- the easiest way for me to do it 20 is just going to paragraphs where I've got questions 21 for you. But in Paragraph 7, you indicate that you 22 filed pro se charges of discrimination with the 23 Pennsylvania Human Relations Commission which alleged 24 that you were the target of discriminatory treatment 25 because of your race and nationality.</p>	<p>1 the complaint with the Pennsylvania Human Relations 2 Commission. I didn't do anything with that one. The 3 one I did was this one.</p> <p>4 THE WITNESS: Okay.</p> <p>5 MR. YARNELL: It is true that with 6 regard to this one, it was modeled after what was 7 said there.</p> <p>8 MR. ADAIR: That's fine. I don't want 9 to get into anything there.</p> <p>10 BY MR. ADAIR:</p> <p>11 Q. I'm just trying to find out, did you have 12 a lawyer when you filed your complaint with the 13 Pennsylvania Human Relations Commission?</p> <p>14 MR. YARNELL: No.</p> <p>15 A. No. No.</p> <p>16 Q. Did anyone help you put together that 17 complaint? Would you like to see a copy of it to 18 refresh your recollection?</p> <p>19 A. Yeah, let me see it.</p> <p>20 MR. YARNELL: Can I say something for 21 a second?</p> <p>22 MR. ADAIR: Sure.</p> <p>23 MR. YARNELL: I saw the Human 24 Relations Commission complaint when you filed it. I 25 understood you to have filed it on your own. I</p>
<p>1 You did file a complaint with the 2 Pennsylvania Human Relations Commission, correct?</p> <p>3 A. Yes.</p> <p>4 Q. Now, did you actually draft that 5 complaint?</p> <p>6 A. With the help of my attorney.</p> <p>7 Q. Your attorney helped you draft that 8 complaint?</p> <p>9 MR. YARNELL: No, you wrote it.</p> <p>10 THE WITNESS: Which one? The one --</p> <p>11 MR. YARNELL: The one with the PHRC.</p> <p>12 You wrote that.</p> <p>13 THE WITNESS: Okay. Yes, I did.</p> <p>14 BY MR. ADAIR:</p> <p>15 Q. Here, I've got a copy of that. Just let 16 me show you this.</p> <p>17 A. Yes, I did that one.</p> <p>18 Q. The one with the PHRC, you typed it up?</p> <p>19 A. Yes.</p> <p>20 Q. And did you receive any help typing that 21 up?</p> <p>22 A. A few corrections from my attorney.</p> <p>23 Q. Look, trust me, I don't want to ask you 24 anything that you may have had --</p> <p>25 MR. YARNELL: He doesn't -- you filed</p>	<p>1 didn't ask you whether somebody helped you put it 2 together. But as far as I knew, you did it on your 3 own. That's all I'm saying. He's asking you whether 4 there was something else going on.</p> <p>5 MR. ADAIR: I'm just asking whether he 6 had help; and if so, I'm going to ask him who helped 7 him. And if it's a lawyer, I don't want to know what 8 was said, I just want to know if a lawyer helped him. 9 That's all I'm asking.</p> <p>10 A. No, I didn't get any help on the first 11 one. Not on the first one.</p> <p>12 Q. Okay. That's really all I'm going to.</p> <p>13 Did you get any help from Isaac Santiago putting that 14 together?</p> <p>15 A. Over the phone.</p> <p>16 Q. Over the phone he helped you put that --</p> <p>17 A. Not like he want to tell me what to write 18 or anything like that. He just tell me to --</p> <p>19 things -- you know, like what's the name -- he just 20 told me like basically how to organize it and how to 21 be more legible for anyone who can read it and all 22 that. That's all.</p> <p>23 Q. Other than Isaac, did anybody else help 24 you?</p> <p>25 A. No, not that I recall.</p>

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1 Q. Okay.	1 wasn't that far from that time.
2 MR. YARNELL: Can I ask a question off	2 Q. Both times were close to the time you
3 the record?	3 were terminated or --
4 (Discussion held off the record.)	4 A. Actually the first time that I was
5 BY MR. ADAIR:	5 brought up to human resources, that's when everything
6 Q. We will move along here. Let me come	6 started happening, like getting written up the first
7 down to Paragraph 18. And Paragraph 18 states,	7 time for the coffee incident in Courtroom 3. When --
8 Defendant Sergeant Pacifico has historically targeted	8 like I told you before, I never heard anybody being
9 Hispanic non-Caucasian individuals. Individuals,	9 written up for that. And I was written up for that.
10 including Plaintiff, complain verbally about	10 Q. Let's talk about this first time that you
11 discrimination to the Berks County Sheriff or the	11 go up. So this was -- this was before the coffee
12 Berks County Department of Human Resources.	12 incident -- before the first coffee incident?
13 Now, I want to ask you about, first of	13 A. The first time, yeah.
14 all, did you complain about discrimination?	14 Q. And who did you talk to in human
15 A. No.	15 resources?
16 Q. You didn't complain to either the sheriff	16 A. Don't remember.
17 or to the department of human resources?	17 Q. Was it a man or a woman?
18 A. No.	18 A. It was a female.
19 Q. Do you know anybody who complained	19 Q. And what did she look like?
20 verbally about discrimination to the Berks County	20 A. I don't recall right now. I don't
21 Sheriff or the Berks County Department of Human	21 recall. Since I have this depression and all this,
22 Resources?	22 I've been kind of forgetting little details like
23 A. I believe Santiago did. I have a strong	23 that. I didn't do it before but since I have that
24 belief that Doris Natal did, not for sure, but I	24 depression and anxiety problems, I have been like not
25 think that they did, because I was brought up to	25 remembering things the right way. I mean like faces
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1 human resources to be questioned about the subject on	1 and names and all that.
2 two times actually, an investigation going on with	2 Q. How about, do you recall if she was tall
3 Pacifico, about how he treat people and how he's	3 or short? Do you remember anything?
4 treating other individuals. I was brought up to and	4 A. All I remember was that she was sitting
5 I told him, yes, he is not treating us right. And I	5 like the same distance that we are right now.
6 tell the truth what was happening at that time.	6 Q. Which is about 4'?
7 Q. Okay. Let me do some follow-up, and this	7 A. Probably.
8 is probably going to take us a couple minutes here.	8 Q. Did you go to an office or did you go to
9 You were talking about you were brought up to human	9 a conference room?
10 resources twice about Pacifico. To your memory, both	10 A. That was an office.
11 of those times were you brought up specifically to	11 Q. And do you recall where in human
12 discuss Pacifico or was it part of a larger	12 resources that office was as you come in the door?
13 investigation or a different investigation?	13 Was it straight or was it to the right?
14 A. As far as I know, it was for Pacifico.	14 A. I don't recall at this time. All I
15 Q. Okay.	15 remember was that I was brought up to an office.
16 A. Because they ask me specifically about	16 That's what I think it was.
17 Pacifico. They didn't ask me about any other	17 Q. And what did she ask you?
18 supervisor around.	18 A. All I remember -- she asked me a couple
19 Q. Okay. Let's talk about both of those	19 questions. One of the questions that I remember was
20 times. When was the first time you were brought up?	20 how Pacifico treated me. And I told them that he
21 A. Don't have any specific date.	21 treated me like a little kid; and if I'm not
22 Q. Was it close to the time that you were	22 mistaken -- don't take this as granted, but I believe
23 terminated or was it long before that?	23 I told her that he treated me that way because he
24 A. Before that. Before. Yeah, two times	24 didn't like the way -- he didn't like my accent or
25 was like -- I don't know. I don't remember. It	25 something like that. I don't recall but I remember

1 that I mentioned something like that. And that he
2 treated me like a little kid, which I didn't like it.

3 MR. YARNELL: I need to use the
4 bathroom.

5 (A brief recess was taken.)

6 BY MR. ADAIR:

7 Q. We were just -- we were talking about you
8 going up to HR, and you believe that you were brought
9 up there twice. And the first time we were talking
10 about, you believe it was before any of the
11 discipline started, correct?

12 A. Yes.

13 Q. And you testified that you thought that
14 he was treating you like a little kid. Did they talk
15 to you about anyone other than Pacifico?

16 A. No.

17 Q. Did they tell you why they wanted to talk
18 to you about Pacifico?

19 A. No, they just asked me how Pacifico
20 treated me in particular; and I told them that he
21 treated me like a little kid, that I didn't like it,
22 the way that he treated me and disrespected me. But
23 that's basically what I recall. And I told them that
24 probably he didn't like me because of my accent.
25 That's what I told them. That's basically what I

1 remember about, but they asked me different -- more
2 questions. They asked me more questions, but I don't
3 recall right now.

4 Q. Now, a minute ago you said you're not
5 sure whether or not you mentioned anything about your
6 accent. As we sit here today, do you recall whether
7 you mentioned your accent during this meeting?

8 A. I believe I did. I have a strong belief
9 that I did.

10 Q. Okay.

11 A. And that he treat me like a little kid.

12 Q. That part I got.

13 A. And disrespect me, yeah.

14 Q. That part I got.

15 MR. YARNELL: And I heard the
16 reference to the accent last time also, but go ahead.

17 MR. ADAIR: He did, but he also -- the
18 first time he said he can't swear to this but he
19 thinks that he might have said something about the
20 accent.

21 BY MR. ADAIR:

22 Q. But now it's a strong belief, is that
23 correct?

24 A. That's actually what I recall. They
25 asked me many more questions that I can't talk about

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1 it right now because I don't exactly recall.

2 Q. Let's talk about the second time you went
3 up there.

4 A. The second time. The second time. I'm
5 trying to think about what happened the second time.

6 Q. Well, let me ask you this. Who did you
7 meet with the second time you came up there?

8 A. I believe it was the same person.

9 Q. Was it a woman again?

10 A. Yeah, a female.

11 Q. Do you recall what she looks like?

12 A. I don't recall. I don't recall how she
13 looks like.

14 Q. Did you meet -- did you go to the same
15 office?

16 A. I don't think so. I don't recall if I
17 went to the same office or not.

18 Q. What do you recall about where you were?

19 A. I know that I was brought up to the --
20 for the second time upstairs. And right now that I'm
21 thinking very hard, the only thing that I remember
22 was, can you tell Doris Natal to come up. And then I
23 went and told Doris Natal to go upstairs or something
24 and she meet up there. She tell me, I'm going to go
25 later on because I'm handling the control room and I

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1 don't have any time right now. That I remember.

2 Q. Did you recall what she talked to you
3 about the second time you went to HR?

4 A. No.

5 Q. It was Pacifico or was it something else?

6 A. The two times it was about Pacifico.

7 Q. That's all? They didn't mention anybody
8 else?

9 A. They didn't mention anybody else. The
10 thing is right now I'm concentrating on what really
11 happens because I don't want to guess or I don't want
12 to tell you something that didn't really happen.

13 Q. I'm asking for your memory. And I
14 understand --

15 A. Right now the only thing that I remember
16 was the first time that I was brought up, the
17 first -- actually the first two questions that it was
18 that I already told you about; and then the second
19 time I don't remember anything at all.

20 Q. When did the second time happen? Was
21 that closer to your termination?

22 A. It was a few months before my
23 termination.

24 Q. I'm going to mark this exhibit as 14.
25 (Brewer Exhibit Number 14 was

1 marked for identification.)

2 BY MR. ADAIR:

3 Q. Are you certain you were brought up twice
4 and maybe not only one time? Before you look at
5 that. My question is are you certain you were
6 brought up to HR twice to talk about Pacifico and
7 maybe you were not only brought up one time?

8 A. That could be the case because after the
9 second time I don't recall anything.

10 Q. Okay.

11 A. That could be the case.

12 Q. And I'll just tell you that I don't
13 know -- I have seen no records, no one has told me
14 they talked to you twice, okay. So that's why I'm
15 asking.

16 I've got here -- and you can take a
17 look at this. These are -- this document which has
18 been marked as Brewer 14, I will represent to you
19 that these are notes that were taken by Sam Palkowski
20 as part of an interview, and it was not an interview
21 into Pacifico. It was an interview into things that
22 were going on in the sheriff's department in general.

23 And it was actually -- came down as a
24 result of Isaac -- no, I'm sorry, Jose Davila
25 complaining about Captain Berrios. If you take a

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1 recollection is refreshed or is that -- does not
2 refresh your recollection? I'm not trying to put
3 words in your mouth. I'm just asking you what you
4 know or you don't know.

5 MR. YARNELL: Do you mind if I ask him
6 a direct question?

7 MR. ADAIR: No.

8 MR. YARNELL: He's asking you, were
9 you asked to come to human resources to speak about
10 Pacifico and were you then questioned about Pacifico.
11 That's all he's asking you. And if you're not sure,
12 that's fine. But if the answer is yes, that's fine;
13 if the answer is no, that is fine. It simply has to
14 be the truth.

15 A. I don't remember right now since they
16 call me specifically to talk about Pacifico, but I
17 know that when I went upstairs I talk about Pacifico.

18 Q. And that's consistent. That's fine.
19 Now, if you look at this -- and I'll represent, if
20 you look at the last page, right there towards the
21 top Ms. Palkowski wrote, he treats me like a little
22 kid. That's consistent with what you were saying
23 earlier about Pacifico, correct?

24 A. Yes.

25 Q. Have you read this page?

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1 look at this, this was her notes from an interview
2 with you; and in there, Ms. Palkowski indicated that
3 she want -- that you wanted to speak to her
4 specifically about Pacifico. Is that consistent with
5 what you were saying earlier, you talked to her about
6 Pacifico?

7 A. I told you that I was -- that was my
8 recall.

9 Q. And is it possible -- do you think --
10 does this refresh your recollection as to maybe
11 whether she was asking you about other incidents and
12 you wanted to talk about Pacifico?

13 A. If that's what it is, that's what it is.

14 But I --

15 MR. YARNELL: That's not what he's
16 asking you. I'm sorry to interrupt you. But you
17 can't just agree with him and say if that's what it
18 is, that's what it is because it's written. He's
19 asking you to tell the truth and telling what you
20 actually know. If you don't actually know, the
21 answer is I don't know, not I agree with you because
22 you want me to.

23 A. I was brought up to talk about -- and
24 then I tell them about Pacifico.

25 Q. So now after reviewing this, your

1 A. No.

2 Q. Read this whole page. I don't want to
3 start questioning you about something. Just go ahead
4 and read it.

5 A. This is not legible for me.

6 Q. It's difficult, I understand that. Read
7 as much as you can.

8 I'll tell you right now what my
9 question will be is whether this refreshes your
10 recollection of your meeting in HR.

11 MR. YARNELL: Do you know what that
12 means, what he just said to you?

13 THE WITNESS: No, I really don't
14 understand.

15 MR. YARNELL: May I make it swifter?
16 MR. ADAIR: Absolutely.

17 MR. YARNELL: He wants to know -- and
18 if the answer is no, then your answer to him is no,
19 because it is simply you must tell the truth. All
20 right.

21 He's saying after you read this -- not
22 that what this says is true or that it's accurate or
23 anything else. All this is saying is, reading this,
24 does this make your memory clearer. If it doesn't,
25 it doesn't.

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<p>1 THE WITNESS: No, it doesn't because 2 it's not legible. For me, I don't clearly understand 3 what -- I can understand a few words but not 4 everything.</p> <p>5 MR. YARNELL: Well, that's fine. And 6 if he wants to ask you more, that's up to him.</p> <p>7 BY MR. ADAIR:</p> <p>8 Q. If this does not help you remember 9 anything, then no, I don't have any other questions 10 about your meeting. And then we can move on.</p> <p>11 MR. YARNELL: I would be more than 12 happy to be of assistance at any time.</p> <p>13 MR. ADAIR: Thank you.</p> <p>14 BY MR. ADAIR:</p> <p>15 Q. We were talking about people who 16 complained about discrimination with respect to 17 Pacifico. We're off that.</p> <p>18 MR. YARNELL: Before we talked about 19 this, again I'm going to act as a translator to some 20 extent. And I don't mean that in a demeaning way. 21 We've been here a long time and you're not a 22 professional deponent.</p> <p>23 BY MR. ADAIR:</p> <p>24 Q. I was looking at -- go back to -- this is 25 the complaint, Exhibit 13, Paragraph 18. And I had</p>	<p>1 the state, I believe.</p> <p>2 MR. YARNELL: Human Relations 3 Commission?</p> <p>4 A. Human Relations Commission, he made 5 another complaint.</p> <p>6 Q. Do you know who he complained to at human 7 resources?</p> <p>8 A. No.</p> <p>9 Q. Do you know when he complained about 10 that?</p> <p>11 A. No.</p> <p>12 Q. Do you know what the basis of that 13 complaint was to human resources?</p> <p>14 MR. YARNELL: Do you understand what 15 he means?</p> <p>16 THE WITNESS: Yes. The basis that -- 17 I wouldn't know about the complaint that he make in 18 human resources.</p> <p>19 MR. YARNELL: May I -- again, I'm 20 sorry. I'm doing this to make it clearer I hope. If 21 you object, that's fine.</p> <p>22 He is not asking you to have a perfect 23 understanding of every word that Isaac Santiago said. 24 He is asking you, did Isaac Santiago complain about 25 discrimination on the basis of nationality or race or</p>
<p>1 asked you which individuals complained verbally about 2 discrimination. And I'm asking you specifically -- 3 and I'll ask you now -- who complained about 4 discrimination to your knowledge by Pacifico as the 5 basis of race or national origin?</p> <p>6 MR. YARNELL: I think he already 7 testified that it was Santiago and Doris Natal, is 8 what he said before.</p> <p>9 BY MR. ADAIR:</p> <p>10 Q. Okay. Is there anyone else? Are those 11 the only two people that you're aware of complained?</p> <p>12 A. As far as I remember, those two; but 13 there's definitely more complained than that.</p> <p>14 Q. I only want to know people who complained 15 about race or national origin.</p> <p>16 A. I'm talking about that's the only two 17 that I know for a fact, but there's more than that 18 that I'm not sure of.</p> <p>19 Q. Okay. Let me ask you then, what is your 20 knowledge about Santiago complaining about Pacifico? 21 Who did Santiago complain to that Pacifico 22 discriminates on the basis of race or national 23 origin?</p> <p>24 A. As far as I know, he made a complaint to 25 human resources and then he make another complaint to</p>	<p>1 anything else?</p> <p>2 THE WITNESS: I have a firm belief --</p> <p>3 MR. ADAIR: No, that isn't my 4 question.</p> <p>5 MR. YARNELL: Then I retract it.</p> <p>6 MR. ADAIR: It's close.</p> <p>7 MR. YARNELL: Not bad.</p> <p>8 BY MR. ADAIR:</p> <p>9 Q. My question is very easy. What was the 10 basis, why was he complaining about race or national 11 origin, Pacifico? What did Pacifico do that spurred 12 his complaint?</p> <p>13 A. Well, the difference of treatment that he 14 got between the Hispanics and other races and the 15 white -- and the white deputies.</p> <p>16 Q. How was Santiago treated differently than 17 white deputies?</p> <p>18 A. He was asked by Pacifico -- as far as I 19 know he was asked by Pacifico to take a whole truck 20 load of prisoners from the courtroom to the 21 jailhouse, to the county jail by himself, which you 22 are not supposed to do that. You are supposed to go 23 at least two deputies into a truck. And he ask him 24 to go by himself. But I don't know the details of 25 it.</p>

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<p>1 Q. Did you know about this while you were 2 still working for Berks County?</p> <p>3 A. Yes, because that happened before I was 4 fired. I overheard but I didn't get into details.</p> <p>5 Q. And as a result of hearing about that, 6 did that have any impact on you?</p> <p>7 A. Yes.</p> <p>8 Q. What impact did it have on you?</p> <p>9 A. Well, I'm not the only one being 10 discriminated by Pacifico or harassed.</p> <p>11 Q. Did it impact your ability to do your job 12 as a sheriff about -- from hearing Santiago saying 13 that story?</p> <p>14 A. Yes, and the way that I saw him treating 15 Doris Natal, the way that I see him treating -- the 16 way I see Pacifico treat Maddie Gregory, which she is 17 Hispanic also.</p> <p>18 Q. We're going to talk about that. We're 19 going to talk about that.</p> <p>20 A. And then --</p> <p>21 Q. But I'm talking -- hang on, because 22 you're getting so far afield of my questions. You 23 have to listen to what I'm saying. You're answering 24 what you want to answer. And I'm just asking you --</p> <p>25 MR. YARNELL: Objection. I don't</p>	<p>1 MR. ADAIR: Yeah. 2 (Discussion held off the record.)</p> <p>3 BY MR. ADAIR:</p> <p>4 Q. We will talk about Isaac Santiago, Doris 5 Natal. You believe that both of them complained 6 about race and/or national discrimination to the 7 county or HR, correct?</p> <p>8 A. Yes, I have a strong belief.</p> <p>9 Q. You testified that you believe there were 10 others also?</p> <p>11 A. Yes.</p> <p>12 Q. Which others?</p> <p>13 A. I'm not sure if they did a formal 14 complaint or not.</p> <p>15 MR. YARNELL: He didn't ask a formal 16 complaint. All he asked was if others did. Just 17 name them.</p> <p>18 Q. Correct.</p> <p>19 A. I'm not sure.</p> <p>20 Q. Okay. That's fine.</p> <p>21 A. I'm not sure.</p> <p>22 Q. That's fine. Now, I'm going to go to the 23 next paragraph, 19. You say Sergeant Pacifico was 24 unable to keep his emotions in check when presented 25 with a stressful situation without abusing his</p>
<p>1 think that's fair either.</p> <p>2 MR. ADAIR: You know what, let me ask 3 my question so we can move forward.</p> <p>4 MR. YARNELL: We are moving forward. 5 The fact is that if you preface a question by saying 6 this -- and I'm not being a jerk, but if you simply 7 say I want to ask you about each of the individuals 8 in Paragraph 27 where the names are named, and ask 9 it.</p> <p>10 MR. ADAIR: We're going to --</p> <p>11 MR. YARNELL: I know you're going to 12 do that. But as Isaac Santiago, you can do it in 13 advance of 27. And just say only as to Isaac 14 Santiago.</p> <p>15 MR. ADAIR: I'm sorry, and I 16 apologize, Steve, but I think these questions are not 17 particularly complex. I think that most -- with the 18 exception of some that I have not phrased well, I 19 think they're pretty straightforward and I'm 20 frustrated that I'm not getting straight answers.</p> <p>21 THE WITNESS: You're not getting 22 straight answers?</p> <p>23 MR. ADAIR: To some of it, no.</p> <p>24 MR. YARNELL: Let me suggest to you -- 25 can we go off the record?</p>	<p>1 authority as a sergeant. What do you mean by that?</p> <p>2 A. I wouldn't know of his lack of 3 experience. I don't know what it was but --</p> <p>4 MR. YARNELL: He's just asking you to 5 describe it, not to explain it.</p> <p>6 MR. ADAIR: Actually I did ask him to 7 explain it because I don't understand what he means 8 by it.</p> <p>9 MR. YARNELL: In that case I'll shut 10 up.</p> <p>11 A. In the way he conduct himself when there 12 is any situation, when he got to talk to anybody, 13 especially if it's a Latino person --</p> <p>14 (Phone ringing.)</p> <p>15 MR. ADAIR: Let's stop for one second. 16 (Discussion held off the record.)</p> <p>17 BY MR. ADAIR:</p> <p>18 Q. Let me ask you a fresh question. We were 19 talking about Paragraph 19. Can you give me an 20 example of Pacifico being unable to keep his emotions 21 in check when presented with a stressful situation 22 without abusing his authority as a sergeant?</p> <p>23 A. Well, actually one example was he scream 24 at Doris Natal right in front of me in the control 25 room when she was running everything smoothly.</p>

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1 Everything was fine and everything and he just came
2 over and he scream at her. I have a firm belief that
3 he didn't have any reason to do that.

4 Q. What was the stressful situation that was
5 going on?

6 A. None.

7 Q. Okay.

8 A. Stressful maybe for him.

9 Q. Okay. Let's go to Paragraph -- same
10 page, 21-A, you say that Pacifico on more than three
11 occasions said to Plaintiff, take your hat off. Then
12 Pacifico would say, oh, never mind, that's your hair.

13 A. Yes.

14 Q. Plaintiff understood this to be
15 discriminatory remark directed at him because of his
16 race. First of all, how many times did Pacifico say
17 that to you?

18 A. An average like three times.

19 Q. He said it to you three times?

20 A. Yes.

21 Q. And were there other people present when
22 that was said?

23 MR. YARNELL: At any of the times or
24 all of the times?

25 MR. ADAIR: Any of the times.

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1 A. I may joke around with friends, with the
2 people that I consider a little bit more than
3 coworkers, which is not with everybody, with the same
4 case with everybody. When I joke around, why not?

5 Q. And that's fine. Did you ever make, you
6 know, jokes about your Hispanic background or
7 anything like that?

8 A. Yes.

9 Q. And did you ever make any of those jokes
10 during roll call?

11 A. I don't think so, not in roll call.

12 Maybe after.

13 Q. Did you ever make any of those jokes when
14 Pacifico may have been in the area?

15 A. Probably, but not with him.

16 Q. So they weren't directed to him but he
17 may have been in the area?

18 A. Yeah, but my understanding is that if I
19 don't joke around with you, why you got to joke
20 around with me. I haven't given you that confidence.

21 Q. Okay.

22 MR. YARNELL: It's like the Jews. You
23 can call them names because they call each other
24 names. It's fine. It's not a problem.

25 BY MR. ADAIR:

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1 A. Yes, there were people present. I'm
2 thinking about their names. That would be Joe
3 Garipoli; and I know that there was more people there
4 but I don't remember who they were at this particular
5 moment, but there were more people there.

6 Q. And why did you believe that was a
7 discriminatory remark made to you because of your
8 race?

9 A. Because if he used to make any jokes or
10 joke around, especially -- let me take you as an
11 example. If I don't joke around with you, why do you
12 got to joke around with me?

13 Q. So you had not made any jokes prior to
14 that?

15 A. No.

16 MR. YARNELL: He had not made any
17 jokes?

18 MR. ADAIR: Correct.

19 A. Me make any jokes with Pacifico? No.

20 Q. With anybody at that time -- at any of
21 those three times, were you joking around at those
22 three times when he said this?

23 A. No.

24 Q. Did you ever make fun of your own
25 nationality or race?

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1 Q. What kind of jokes did you make about
2 your Hispanic --

3 A. A whole bunch.

4 Q. Did you ever make any about your accent?

5 A. Probably.

6 Q. Okay.

7 MR. YARNELL: Can I -- he asked you at
8 the beginning not to speculate. Don't guess.

9 A. Well, yes because I joke around, like I
10 mention before, with the people that I consider
11 friends or a little bit more than coworkers. But I
12 never joke with Pacifico. And then there's certain
13 people there that I don't joke around with.

14 And my understanding is if I don't --
15 like I say to you before, if I don't joke around with
16 you, why you got to joke around with me.

17 Q. Sure.

18 A. I may say good morning to you, I may
19 greet you and be professional with you, but if we
20 don't have that type of relationship, why you got to
21 try to joke around with me?

22 Q. But you did make some of those jokes when
23 he was in the area. They just weren't directed to
24 him, correct?

25 A. No. Yes. I'm sorry, yes. I make the

<p style="text-align: right;">Page 186</p> <p>1 jokes but it wasn't directed to Pacifico. 2 Q. Okay. Let's go on to the next 3 question -- or next paragraph, B. Pacifico 4 repeatedly criticized and became angry at Plaintiff 5 because he exchanged words in Italian with 6 Italian-speaking deputies or in French or in Spanish. 7 Pacifico repeatedly -- said repeatedly to Plaintiff, 8 how many fucking languages do you know? This caused 9 Plaintiff to reasonably believe he was discriminated 10 against because of his nationality as a 11 Spanish-speaking person. 12 Do you speak Italian or do you just 13 know some words in Italian? 14 A. I know some words. I can basically go 15 by. 16 Q. How about French? Do you know French? 17 A. The same. 18 Q. And Spanish? 19 A. That's my primary language. 20 Q. So Pacifico said to you, how many fucking 21 languages do you know? 22 A. Yes. 23 Q. And how many times did he say that to 24 you? 25 A. A couple of times.</p>	<p style="text-align: right;">Page 188</p> <p>1 A. No. 2 Q. Let's go to the next one. On an occasion 3 Plaintiff went to Pacifico's office and saw a list of 4 employees on the wall. The only black Hispanic 5 employees on the list were he and Isaac Santiago. 6 They were the only two marked in red, while all the 7 others were in black. Plaintiff asked Pacifico if 8 they were the only two that Pacifico wanted to fire 9 and he responded, don't take it like that. 10 When did that incident occur? 11 A. That was before I got fired and I went to 12 take some paperwork over to him and I saw my name and 13 Santiago's name with red marker. And I ask him, is 14 that your next victim or something like that, I said. 15 Or is that the people you want to get fired? Oh, 16 don't take it like it. That's what he say. 17 Q. And did you ask him why those names were 18 on the wall? 19 A. No. 20 Q. Do you know why those names were on the 21 wall? 22 A. Well, Santiago had a complaint at that 23 time, and me, I think -- I believe that I was -- that 24 I had a target on my back marked by him. 25 Q. You believe that that was a list -- he</p>
<p style="text-align: right;">Page 187</p> <p>1 Q. Okay. And he became angry at you because 2 you were using Italian words or you were using French 3 words? 4 A. The demeanor that he show up at that time 5 when he got his facial expression and his redness 6 showed me that he was mad about it, he was angry 7 about something and I don't know why. Because I 8 exchange a few words with Italian descendent deputies 9 and he got mad about it. He made that comment, how 10 many fucking language do you know. 11 Q. And you believe he said that to you 12 because you're -- your nationality as a 13 Spanish-speaking person? 14 A. Yes. Yes, because he didn't say anything 15 to the Italian descendent deputies. He just said it 16 to me. 17 Q. And they were speaking Italian? 18 A. Yeah. Well, we were -- not speaking, but 19 exchanging words and trying to learn from each other. 20 Q. Did you ever hear him saying anything 21 like that to any of the Italian-speaking deputies 22 when they were speaking Spanish? 23 A. No. No. 24 Q. Is it possible he may have done that but 25 you didn't hear it?</p>	<p style="text-align: right;">Page 189</p> <p>1 had a list -- who were the other names that were up 2 there? 3 A. There were other names but in black ink. 4 Q. How many other names were up there? 5 A. I don't know, like four or five other 6 names. 7 Q. And your two were in red? 8 A. Mine and Santiago's was in red. 9 Q. So did you believe that that was his list 10 of who he wanted to fire? 11 A. I have a strong belief, yes. 12 Q. And he told you not to take it that way? 13 A. Yes. 14 Q. Did you ask him why those names were up 15 there? 16 A. No, I didn't ask him. 17 Q. Why not? 18 A. Because I didn't want to get into an 19 argument or make something big out of that. Honestly 20 at that time I was getting mad and nervous at the 21 same time. 22 Q. Was this shortly before you were fired? 23 A. I could say that, very few months before 24 I got fired. 25 Q. Was that at a time that you had a CDL</p>

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1 license? Did you ever have a CDL?
 2 MR. YARNELL: He testified he never
 3 did.
 4 A. No, I never did because I was assigned to
 5 juvenile court; and then when I was removed from
 6 there, then I started up my process, which I think it
 7 was two taken and I pass one and I fail one. And
 8 then I was getting ready to take the other one right
 9 at the time that I was terminated.
 10 Q. Do you know whether Isaac Santiago had a
 11 CDL?
 12 A. Not that I know of.
 13 Q. He did not have one to your knowledge?
 14 A. I don't know.
 15 Q. You don't know?
 16 A. I don't know whether he has it or not.
 17 Q. Okay. Did you tell anybody about that
 18 list that you saw on the wall?
 19 A. Not that I remember right now.
 20 Q. Next one is Plaintiff was aware that Jose
 21 Davila, another black Hispanic deputy, was referred
 22 to by Pacifico as a Puerto Rican cockroach and that
 23 Pacifico said he would crush him.
 24 Did you witness that incident?
 25 A. No. I heard a lot of people saying that

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1 Q. Which cup of coffee incident is that
 2 referring to?
 3 A. The first one.
 4 Q. And he criticized your accent?
 5 A. When he wrote me up, which I don't know
 6 why you don't have it right there, he said that I --
 7 he wrote it down that I needed it, it, it.
 8 Q. I'm sorry, I didn't understand what you
 9 just said.
 10 A. Can I write it down?
 11 Q. Yeah. Certainly.
 12 MR. YARNELL: That's his accent.
 13 BY MR. ADAIR:
 14 Q. I apologize. You can write it down. I
 15 just didn't understand what you said.
 16 MR. YARNELL: I'm making a joke.
 17 A. That was how he was supposed to write it,
 18 that I said I needed it, I needed it, I needed it. I
 19 need it.
 20 Q. I needed it?
 21 A. Uh-huh. And then he wrote it down like
 22 that. He added up -- in his writing, he added up
 23 like three of this, of this it, like I say it like
 24 that.
 25 Q. So he wrote, I needed it, it, it?

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1 comment, that he say that. He emailed that comment
 2 to somebody and that person -- you know how rumors
 3 start and all that. But I don't specifically know
 4 how it happened, but that's the comments that I
 5 heard.
 6 Q. Who did you hear it from?
 7 A. I don't quite recall because it was
 8 something about -- something after roll call that
 9 they were commenting about that.
 10 Q. Did Jose Davila tell you that Pacifico
 11 called him a Puerto Rican cockroach?
 12 A. No. I never talked to Jose about that.
 13 Q. It was other people that you heard it
 14 from?
 15 A. Yeah. Actually it was a sergeant
 16 assigned to warrant division. So I didn't get the
 17 chance to talk to him about that.
 18 Q. How many times did Pacifico call Jose
 19 Davila a Puerto Rican cockroach to your knowledge?
 20 A. Just that time, and in the email that he
 21 allegedly sent he said that he will crush him.
 22 Q. The next one, E, Pacifico wrote up
 23 Plaintiff allegedly for getting a cup of coffee and
 24 in doing so he criticized Plaintiff's accent?
 25 A. Yes.

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1 A. Yes.
 2 Q. And this was in writing?
 3 A. Yes, in his writing.
 4 Q. In handwriting?
 5 A. No, no, no, on his -- when he write me
 6 up, when he wrote me up, that's the way he wrote it
 7 down.
 8 Q. Okay. I'm going to have this marked as
 9 Brewer 15.
 10 (Brewer Exhibit Number 15 was
 11 marked for identification.)
 12 BY MR. ADAIR:
 13 Q. Why did you believe that Pacifico putting
 14 three its -- I needed it, it, it -- was making fun of
 15 your accent?
 16 A. I believe it was two -- I'm not sure if
 17 it was three, but it was two or three times that he
 18 wrote it like that. Well, he didn't have to do that
 19 remarks when he was writing me up. He didn't have to
 20 specifically wrote it like that because I was
 21 admitting and taking responsibility of what I did.
 22 He didn't need to go that specific. And he did. He
 23 went overboard.
 24 Q. He didn't need to put down what you said
 25 to him, why you needed the coffee?

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1 A. No, he didn't have to write it the way 2 that he wrote it.	1 using the term black Hispanic rather than just saying 2 Hispanic.
3 Q. I needed it, it, it?	3 MR. YARNELL: For the record, people 4 from Spain are Hispanic. They are Caucasian. They 5 are white in their skin color. They are white 6 Hispanics. There is a distinction.
4 A. Yes.	7 MR. ADAIR: I'm asking why he was 8 using it.
5 Q. Did you say to him I needed it, it, it?	9 A. Because like I told you before, we are 10 mix in Latin America.
6 A. No, I said I needed a cup of coffee.	11 Q. So you're referring to Hispanic deputies 12 of Latin American descent. Would that be accurate?
7 Q. I'm trying to understand why you 8 interpreted that as making fun of your accent. And I 9 apologize, I really just don't understand why that -- 10 why you interpreted that as making fun of your 11 accent.	13 A. Yes.
12 A. Well, because he didn't have to write it 13 that way. He understood what I told him. I know I 14 have an accent and I hope I'm not offending anybody 15 with it. But I know that you can understand clearly 16 what I'm telling you right now.	14 MR. YARNELL: There you go.
17 Q. I do.	15 MR. ADAIR: That is -- actually, 16 that's how I have heard it referred to traditionally, 17 was, you know, Hispanics of Latin descent. So I 18 apologize.
18 A. So he understood at that time what I told 19 him. He didn't even have to do that remarks on his 20 writing.	19 MR. YARNELL: You don't need to 20 apologize. The U.S. Census since 1980 had two 21 categories; white Hispanics, black Hispanics. It was 22 changed in 1990.
21 Q. So you didn't think it was a typo on his 22 part, you thought it was an intentional --	23 BY MR. ADAIR:
23 A. That was an intentional.	24 Q. After the execution of a warrant at a 25 raid and receipt of a complaint from a person,
24 Q. Did he mention anything about writing it 25 that way intentionally to you?	
1 A. No.	Page 197
2 Q. Pacifico routinely investigated black 3 Hispanic deputies. First of all, who do you consider 4 to be black Hispanic deputies?	1 Pacifico chose to investigate Elvin Ortiz even though 2 there was no evidence pointing to Ortiz as opposed to 3 the other black -- the other non-black or Hispanic 4 deputies in the raid group. Plaintiff was informed 5 of these facts by Deputy Ortiz.
5 A. Hispanic is not a race. We all mixed. 6 And by the way, nobody is pure white or pure black. 7 Everybody is mixed. But Hispanic are the -- you 8 know, the descendent of people from Puerto Rico, 9 Dominican Republic in my case, from black communities 10 or from any country from Latin America. That could 11 be from Mexico all the way down to Argentina.	6 First of all, let me ask you this.
12 Q. Let me -- just to kind of get to what I'm 13 asking, do you have a distinction between black 14 Hispanic deputies and Hispanic deputies?	7 When did Deputy Ortiz tell you this?
15 MR. YARNELL: I suggest you use the 16 term white Hispanic might be more applicable.	8 A. After I get fired. We were talking about 9 I was going to make a complaint and he told me that 10 he can testify about that.
17 BY MR. ADAIR:	11 Q. So you didn't know about that while you 12 were working at the county?
18 Q. Are you drawing a distinction or are 19 there -- is there a distinction between black 20 Hispanic deputies and white Hispanic deputies or 21 other Hispanic deputies?	13 A. No, because that happened right after or 14 in between the times that I was fired. I'm not 15 really sure.
22 A. No. No. No. I just want to make it 23 specific that Hispanic people, we all mix.	16 Q. Tell me -- well now, so if I understand 17 correctly, Pacifico investigated Ortiz based upon a 18 complaint, correct?
24 Q. I understand that. I understand that 25 very well. I'm trying to figure out why you are	19 MR. YARNELL: If you know.
	20 A. Yes, it was a complaint, but the 21 complaint didn't have anything to do with Deputy 22 Ortiz because he was at the rear door of this warrant 23 search. And the people in the house or whoever did 24 the complaint was complaining about the deputies in 25 the front door. So he should go and do his

1 investigation to the deputies at the front door, not
2 the one in the back, who was Deputy Ortiz at that
3 time.

4 Q. Was Deputy Ortiz disciplined as a result
5 of that investigation?

6 A. No. I doubt it.

7 MR. YARNELL: Do you know?

8 THE WITNESS: What?

9 MR. YARNELL: Do you know?

10 THE WITNESS: No, I don't know it.

11 BY MR. ADAIR:

12 Q. Do you know whether -- well, no, the
13 question is -- don't answer, just tell me you don't
14 know.

15 A. Yeah.

16 MR. YARNELL: That's what I just said,
17 if you don't know.

18 MR. ADAIR: I'm sorry. I thought you
19 said don't answer.

20 MR. YARNELL: No, I said if you don't
21 know.

22 BY MR. ADAIR:

23 Q. Do you know whether Pacifico recommended
24 discipline against Ortiz?

25 A. I don't know.

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1 target on your back and I can do so and I have the
2 power to do so.

3 Q. So Deputy Ortiz told Pacifico that he was
4 going to a lawyer about discrimination and only then
5 did Pacifico lessen his harassment of Ortiz?

6 A. Yes.

7 Q. Did Pacifico call Ortiz as a witness?

8 A. I don't know. I don't know the details
9 of what happened after that. He just told me that
10 little incident that clarify that Pacifico was
11 targeting Hispanic deputies.

12 Q. Paragraph H, Isaac Santiago, a black
13 Hispanic deputy, had a confrontation with Pacifico
14 near Plaintiff, which made him feel intimidated and
15 subjected to excessive punishment. This arose
16 because Pacifico forced Santiago to do a transport of
17 a prisoner to Berks County Prison by himself in
18 strict violation of procedure. Pacifico never did
19 this to a non-black Hispanic deputy. Plaintiff was
20 informed of these facts by Santiago and believes that
21 he, like Santiago, is being subjected to
22 discrimination.

23 First of all --

24 MR. YARNELL: I think he testified to
25 this previous.

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1 Q. Let's go down to G. In another
2 investigation Pacifico called Deputy Ortiz as a
3 witness and told him that if he did not cooperate he
4 would put a target on Ortiz's back because he had the
5 power to do so. This caused Ortiz to feel
6 intimidated because he alone was singled out and was
7 black and Hispanic. This was told to Plaintiff by
8 Deputy Ortiz and caused Plaintiff to feel
9 discrimination because of his race and nationality.

10 Thereafter Deputy Ortiz told Pacifico he was going to
11 a lawyer about discrimination. Only then did
12 Pacifico lessen his harassment of Ortiz.

13 My first question is, when did Deputy
14 Ortiz tell you about this?

15 A. After I was fired.

16 Q. And what did Deputy Ortiz tell you?

17 A. The same thing that is wrote right here.

18 Q. Okay. What did Pacifico call Ortiz as a
19 witness for?

20 A. Well, he didn't get into details. He
21 just -- he was going to cooperate and whatever --
22 because that's what, you know, we here for as law
23 enforcement. We got to cooperate in whatever the
24 case may be. But he just kind of like threaten him
25 by saying if he doesn't cooperate, I'm going to put a

1 MR. ADAIR: He testified to this but
2 I've got some questions about it.

3 MR. YARNELL: That's fine.

4 BY MR. ADAIR:

5 Q. Is this -- did you actually witness this
6 incident where Pacifico forced Santiago to transport
7 the deputies?

8 A. No, but that was the reason he made the
9 complaint.

10 Q. Well, there was a reason he made the
11 complaint?

12 A. Yes, Santiago.

13 Q. When did you learn about this incident
14 where Pacifico forced Santiago to do a transport of
15 prisoners?

16 A. That was before I got fired.

17 Q. Was there a confrontation between
18 Santiago and Pacifico over this transport?

19 A. I'm not sure about that. If there was
20 any confrontation, I don't know about that.

21 Q. You have here Isaac Santiago, a black
22 Hispanic deputy, had a confrontation with Pacifico
23 near Plaintiff, which made him feel intimidated and
24 subjected to excessive punishment.

25 Did you observe a confrontation

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1 between Santiago and Pacifico?

2 A. No, I'm just going based on what he told
3 me about it.

4 Q. What Santiago told you?

5 A. Yeah, I didn't witness anything.

6 Q. And when you have here, which made him
7 feel intimidated, is that referring to you feeling
8 intimidated or is that referring to Santiago?

9 A. Santiago being intimidated.

10 Q. Okay. Next one, all black Hispanic
11 deputies other than Captain Severo Berrios, who on
12 information and belief was treated differently only
13 because of his rank, were subjected to discrimination
14 by Pacifico.

15 We're going to go through some names,
16 but is it your belief that Captain Berrios was not
17 subjected to discrimination by Pacifico?

18 A. As far as I know, I don't think he never
19 tried anything with him because he -- at that time
20 Pacifico was a captain -- I'm sorry. I rephrase
21 that. He was a sergeant. And Captain Berrios was a
22 captain. So he got more rank than he does, so he's
23 not going to mess around with somebody with more
24 rank.

25 Q. Did you ever approach Captain Berrios and

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1 he can do whatever the heck he wants.

2 Q. Well, I'm coming back to what you said to
3 Captain Berrios. Would it be accurate for me to say
4 that you never told Captain Berrios you thought you
5 were being discriminated against because of your race
6 or your national origin?

7 A. I don't think I did specifically like
8 that but I -- but we talk about it. We talk about
9 the problem that I had with Pacifico, that -- that I
10 know for a fact -- I didn't go into details, but I
11 told him that I knew for a fact that he wasn't going
12 to sign for me to go to some kind of -- I don't
13 remember exactly what it was, but it was some kind of
14 a tactical school.

15 Q. You told him you were having problems
16 with Pacifico, but you never told Captain Berrios
17 that you thought it was because you were Hispanic and
18 black, correct?

19 A. I don't think I did. I'm not sure that I
20 did.

21 Q. Why wouldn't you have?

22 A. I don't know why I didn't. We wasn't
23 talking about that at the time.

24 Q. Captain Berrios -- did you believe he was
25 an approachable individual?

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1 tell him that you thought you were being
2 discriminated against because of your race or
3 national origin?

4 A. I believe, but I'm not sure about it,
5 that I make a comment to him about that.

6 Q. What comment did you make?

7 A. Thank you. Appreciate it. There was a
8 time that Captain Berrios, based upon my experience
9 as a police officer in Baltimore, he told me, why you
10 don't join the warrant division? There's going to be
11 a school sometime, tactical school, something like
12 that, that you may go. But the only problem is that
13 Pacifico had to sign it; and I told him forget about
14 it, he's not going to sign it. So, Captain, I'm
15 sorry, I'm not going to be able to join your team
16 because he's not going to sign it. I talked to him
17 about that.

18 Q. Did you tell Captain Berrios that that
19 was because of your race that he wasn't going to sign
20 it?

21 A. I don't believe I told him that about
22 that, but I knew that he wasn't going to sign it and
23 he wasn't going to -- he was actually my immediate
24 supervisor at that time. And he -- I have a firm
25 belief that he want to keep me on the loop, that way

1 A. Oh, yes. Yes, he was.
2 Q. Pretty easy to talk to?
3 A. Yes.
4 Q. And a lot of the guys liked him, didn't
5 they?
6 A. Everybody likes him.
7 Q. Except for --
8 A. Pacifico.
9 Q. -- Jose Davila?
10 A. Who?
11 Q. Except for Jose Davila.
12 A. And Pacifico.
13 Q. Jose Davila didn't get along with Captain
14 Berrios, correct?
15 A. No. No, they didn't. I don't know why.
16 It's actually a surprise for me because they were
17 both likeable guys on their own ways. They were both
18 likeable guys. I don't know why they didn't get
19 along.
20 Q. Did you ever hear that Captain Berrios
21 made a comment that Jose Davila shouldn't be in the
22 sheriff's department?
23 A. No, I never heard that comment.
24 Q. You ever hear that he was disciplined --
25 Captain Berrios was disciplined for making that

52 (Pages 202 - 205)

<p style="text-align: right;">Page 206</p> <p>1 comment?</p> <p>2 A. No, I didn't.</p> <p>3 Q. Going to the next paragraph, other 4 non-Hispanic, non-African ancestry deputies have been 5 written up for insubordination and received nothing 6 more than a written warning, and yet Plaintiff was 7 terminated.</p> <p>8 Would you agree with me that you were 9 not terminated for insubordination?</p> <p>10 A. Can you rephrase that question, please?</p> <p>11 Q. Sure. The reason for your termination -- 12 the county did not terminate you -- they didn't 13 classify it as insubordination, did they?</p> <p>14 A. No.</p> <p>15 Q. You were never disciplined for 16 insubordination, were you?</p> <p>17 A. No.</p> <p>18 Q. Where this paragraph says that other 19 non-Hispanic, non-African ancestry deputies have been 20 written up for insubordination and received nothing 21 more than a written warning and yet Plaintiff was 22 terminated, that is not accurate. You were not 23 terminated for insubordination, correct?</p> <p>24 A. No.</p> <p>25 Q. You have here in Paragraph 27, other than</p>	<p style="text-align: right;">Page 208</p> <p>1 Q. I'm not asking what she can testify to 2 because I can ask her those questions when I take her 3 deposition. But my question is what you knew about 4 while you were working at Berks County.</p> <p>5 A. Well, I heard the comments.</p> <p>6 Q. What did you hear?</p> <p>7 A. The same thing that I told you, that she 8 got written up because she was in the hospital; and I 9 don't really know the details of what happened. But 10 that was not fair the way that Pacifico wrote her up 11 for something like that. I'm not sure.</p> <p>12 Q. Why wasn't it fair?</p> <p>13 A. That's what I'm saying, I don't really 14 know; but there was some problem involving this 15 person. That's why I put them in there.</p> <p>16 Q. So something happened but you don't 17 really know the details?</p> <p>18 A. Exactly. Exactly. But something -- 19 something happened.</p> <p>20 Q. Okay. When was the last time you talked 21 to Madeline Gregory?</p> <p>22 A. I barely spoke to her when I was employed 23 there, and I talk to her like once or twice early 24 over the phone after I got terminated.</p> <p>25 Q. When was the last time you spoke to her?</p>
<p style="text-align: right;">Page 207</p> <p>1 Hispanic sheriff department -- I can't read. You 2 have in Paragraph 27, other Hispanic sheriff 3 department employees who have experienced acts of 4 discrimination during the employment of Mr. Brewer 5 include but are not limited to -- and I'm going to 6 ask you what you know about each of these and what 7 you knew about at the time that you were employed by 8 Berks County.</p> <p>9 Madeline Gregory. How was -- first of 10 all, while you were employed by Berks County, did you 11 know that she was discriminated against because of 12 her nationality?</p> <p>13 A. I believe so.</p> <p>14 Q. Well, I'm asking what you -- you believe 15 that you knew she was discriminated against while you 16 were employed?</p> <p>17 A. Yes, because she was written up 18 apparently because Sergeant Pacifico, I think, find 19 her in the hospital. I don't know really the details 20 of it. But there was -- there was something going on 21 that they were fighting about, that they were like 22 arguing. There was a lot of argument about, but I 23 don't recall. There was obviously a problem there 24 with Madeline Gregory, that she can testify over 25 that.</p>	<p style="text-align: right;">Page 209</p> <p>1 A. I don't recall.</p> <p>2 Q. Was it within the last year?</p> <p>3 A. No, more than that. I believe it was 4 more than that. I'm not sure but it was -- I have a 5 strong belief it was more than that.</p> <p>6 Q. You have here she's fearful that if she 7 speaks of the discrimination, she will be terminated. 8 Why do you say that?</p> <p>9 A. Because that's the way things are handled 10 in the sheriff department.</p> <p>11 Q. Did she tell you that?</p> <p>12 A. No.</p> <p>13 Q. So she didn't say that but that's your 14 belief, that she's afraid to talk, she'll be 15 terminated?</p> <p>16 A. Yes, because she was try before -- how do 17 you say that word?</p> <p>18 MR. YARNELL: Threatened.</p> <p>19 A. Threatened before.</p> <p>20 Q. When was she threatened?</p> <p>21 A. That was long ago, long ago. I don't 22 know exactly the time, but I believe Sergeant 23 Pellicotti was the name who talked to her and try to 24 tell her not to testify in something. I'm not sure. 25 I don't remember. But that's the way -- you know,</p>

<p style="text-align: right;">Page 210</p> <p>1 everybody is afraid to talk in the sheriff 2 department.</p> <p>3 Q. I have to go back and ask you this. Did 4 Sheriff Pellicotti discriminate against her because 5 of her race or nationality to your knowledge?</p> <p>6 A. No, not that I know. I couldn't testify 7 about that.</p> <p>8 MR. YARNELL: Can we go off the record 9 for a second?</p> <p>10 (Discussion held off the record.)</p> <p>11 BY MR. ADAIR:</p> <p>12 Q. So you heard -- did she tell you that 13 Pellicotti threatened her?</p> <p>14 A. No, I just heard the comment. Everybody 15 knows everything that happens and they comment about 16 it and they say, look, this is what happened with 17 this. This is what happened with Brewcr. This is 18 what happened with Ortiz.</p> <p>19 Q. Was the incident with Pellicotti -- do 20 you know whether that had anything to do with race or 21 nationality?</p> <p>22 A. No, not that I know of.</p> <p>23 Q. Anything else? Anything else that you 24 know of or that you had heard of that Madeline 25 Gregory was discriminated against?</p>	<p style="text-align: right;">Page 212</p> <p>1 you spoke to Isaac Santiago?</p> <p>2 A. A few months ago.</p> <p>3 Q. You talk to him over the telephone?</p> <p>4 A. Yes.</p> <p>5 Q. Do you know where Mr. Santiago currently 6 lives?</p> <p>7 A. He is currently in Florida right now.</p> <p>8 Q. Does he ever come to Pennsylvania?</p> <p>9 A. Not that I know of. The last time I 10 spoke with him was phone call, that's it.</p> <p>11 Q. Did you talk to him about testifying in 12 this case?</p> <p>13 A. No.</p> <p>14 Q. Do you believe he will testify in this 15 case?</p> <p>16 A. Yes.</p> <p>17 Q. And why do you believe that?</p> <p>18 A. Because he was -- he was one of the 19 discrimination victims.</p> <p>20 Q. And was Santiago -- tell me everything 21 that you knew of with respect to -- we've talked 22 about Santiago, and I don't want to go back over it.</p> <p>23 We talked earlier --</p> <p>24 MR. YARNELL: We discussed it twice.</p> <p>25 MR. ADAIR: But I want to find out if</p>
<p style="text-align: right;">Page 211</p> <p>1 A. No. The only reason that I know that she 2 was mistreated was with Pacifico.</p> <p>3 Q. Is that the one you told me about?</p> <p>4 A. Um-hum. That's the only one I know of.</p> <p>5 Q. Let's go on to Jose Davila. First of 6 all, when was the last time you spoke to Jose Davila?</p> <p>7 A. Way before I was terminated. We never 8 been close friends or anything like that.</p> <p>9 Q. So you haven't talked to him since you 10 were terminated?</p> <p>11 A. Way before that.</p> <p>12 Q. And we talked about the incident where 13 Pacifico called him a cockroach?</p> <p>14 A. Yes.</p> <p>15 Q. Was he -- was there any other 16 discrimination which you're aware of regarding 17 Davila?</p> <p>18 A. No. He was actually a sergeant, so once 19 you have some rank, it's not -- you know, almost 20 nobody messes with you. If they do, they do it in 21 certain ways.</p> <p>22 MR. YARNELL: You only need to answer 23 the questions he's asked you, no more.</p> <p>24 BY MR. ADAIR:</p> <p>25 Q. Isaac Santiago, when was the last time</p>	<p style="text-align: right;">Page 213</p> <p>1 there was anything in here.</p> <p>2 BY MR. ADAIR:</p> <p>3 Q. Other than what we discussed with 4 Santiago, do you know any other incidents in which 5 Santiago was allegedly discriminated against?</p> <p>6 A. No, not that I know of.</p> <p>7 Q. How about Doris Natal? When was the last 8 time you spoke with Doris Natal?</p> <p>9 A. Before I got terminated or a little bit 10 after. I don't recall but that was long ago.</p> <p>11 Q. And how was Doris Natal discriminated 12 against?</p> <p>13 A. Well, I witness that, the way Pacifico 14 talk to her. Even though she wasn't doing anything 15 wrong and she was smoothly running the control room, 16 he just came over and let everybody know that he was 17 a sergeant, that he was a supervisor.</p> <p>18 Q. What did he say?</p> <p>19 A. I don't quite remember, but he scream at 20 her. And then when I saw that, I just shake my head 21 and went outside the control room because I didn't 22 like the way that he talked to her.</p> <p>23 Q. You don't recall what he said to her?</p> <p>24 A. No, I don't recall.</p> <p>25 Q. How about the general subject of what he</p>

<p>Page 214</p> <p>1 was --</p> <p>2 A. No.</p> <p>3 Q. Did she say anything back?</p> <p>4 A. No, because I went out of the control room right away. I just shook my head and I went outside of the control room very frustrated.</p> <p>5 Q. Did you ever talk to Doris about this incident?</p> <p>6 A. Not really. Not really.</p> <p>7 Q. Did you ever talk to Doris that either you or Doris believed that you were being discriminated against because of your race or nationality?</p> <p>8 A. I believe we talk about it after the first write-up. I make a comment to her like a few days after that and we talk about it.</p> <p>9 Q. Which is?</p> <p>10 A. When I got the first write-up, a few days after that we talk about it; but I don't recall exactly -- I know that she said something about -- we talk about it but I don't recall.</p> <p>11 Q. Did she say that she believed she was being discriminated against on the basis of her race or nationality?</p> <p>12 A. I believe so. I believe so.</p>	<p>Page 216</p> <p>1 A. No, I don't remember any of the details.</p> <p>2 Q. And you have here, she is fearful that if she speaks of the discrimination, she will be terminated. Did she tell you that?</p> <p>3 A. No, she didn't tell me that. She didn't need to tell me that.</p> <p>4 Q. You just assumed that?</p> <p>5 A. No, I'm not assuming that. I know that.</p> <p>6 Q. How do you know that?</p> <p>7 A. Well, because that's actually the way that the sheriff department has been treating certain people. Not everybody though.</p> <p>8 Q. So everybody is fearful that they'll be terminated if they speak up?</p> <p>9 A. Some of the people that I asked to testify to something, they told me, hey, don't do that, don't put me on that spot.</p> <p>10 Q. Who did you ask to testify that said they wouldn't put you in that --</p> <p>11 A. If I didn't put them down in the report I'm not going to name any names. I'm sorry. Because I asked them to testify of way more incidents that happened; and they told me, please do not put me on that spot, and I respect that.</p> <p>12 Q. Well --</p>
<p>Page 215</p> <p>1 Q. And you have here --</p> <p>2 MR. YARNELL: I'm sorry, can we go off the record for one second?</p> <p>3 (Discussion held off the record.)</p> <p>4 BY MR. ADAIR:</p> <p>5 Q. You have here in footnote three, it says Ms. Natal was repeatedly subjected to discrimination because of her Hispanic ancestry; and you've given me one example. Do you have any other examples of how she was discriminated against because of her Hispanic ancestry?</p> <p>6 A. The best example that I can tell you is the way he talked to her. The ones that I mostly remember was the one that he went inside the control room and basically scream at her. And I don't like to be any -- any woman being disrespected. That's part of my culture. That's the way I am. I just went outside because I couldn't took it.</p> <p>7 Q. So that's the one incident that you remember. Would that be accurate?</p> <p>8 A. Yes. And there was a few others that I don't quite recall the details, but there was more than that.</p> <p>9 Q. Do you remember the details of any of them?</p>	<p>Page 217</p> <p>1 MR. YARNELL: Can I interrupt one second?</p> <p>2 MR. ADAIR: Yeah.</p> <p>3 MR. YARNELL: You have to understand something. He's not asking you now what they said. All he's asking is to give him their names.</p> <p>4 Understand something, you are under oath. This is as if you are in a courtroom. You brought a lawsuit.</p> <p>5 You have no choice. You cannot say I'm not going to tell these people because they don't want to be told.</p> <p>6 You have to tell the names.</p> <p>7 A. Write it down. Joseph Garipoli.</p> <p>8 Q. And what did you ask him to testify to?</p> <p>9 A. That I volunteered to take the prisoner up to the district attorney, if he can volunteer about the jokes, the non-practical jokes that Pacifico did, everything that he knew about Pacifico that he saw, all the incidents about the way that Pacifico treat people, especially Hispanic people, Hispanic deputies.</p> <p>10 Pete Fox. Deputy Pete Fox.</p> <p>11 Q. What did you -- and he told you that he won't testify?</p> <p>12 A. No, these people that I'm -- they all tell me the same thing. When I finish my -- the list</p>

1 of names, all they told me was please do not put me
2 on that spot.

3 Q. Okay. And let me clarify because I want
4 to do this in the most efficient manner. I'm going
5 to ask -- you have a list of names of people that you
6 have identified as witnesses. And I'm going to ask
7 you what you think they're going to testify to. And
8 Joseph Garipoli is one of them. Pete Fox is another
9 one. You've identified all of them. But my question
10 was who told you that they would not testify in this
11 case?

12 A. They didn't specifically tell me in that
13 specific words. They just told me do not put me on
14 that spot.

15 Q. Okay. Are we talking about the same
16 people? So then Joseph Garipoli told you, don't put
17 me in that spot?

18 A. Yes.

19 Q. And Pete Fox told you, don't put me in
20 that spot?

21 A. Yes.

22 Q. Okay.

23 MR. YARNELL: It may better be said
24 that these are people who were hesitant to testify
25 because they were worried about the consequences to

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1 Q. Let me ask you -- I mean are these all
2 the people that you have --
3 MR. YARNELL: There's some people who
4 were named in the complaint. There were other people
5 who were named as potential witnesses.

6 MR. ADAIR: Yeah, we'll come back to
7 that.

8 MR. YARNELL: That's all that it is.

9 MR. ADAIR: That's the best way to
10 handle that.

11 BY MR. ADAIR:

12 Q. Elvin Ortiz, I believe that you told me
13 earlier -- you told me some incidents with Elvin
14 Ortiz that occurred. One of them was that Ortiz was
15 asked to testify and he told that, you know, if he
16 didn't cooperate he would put a target on his back.

17 A. Yes.

18 Q. You learned about that after you were
19 terminated?

20 A. Yes.

21 Q. The other thing you told me about with
22 Ortiz was that Pacifico investigated him as a result
23 of a complaint that was received, and that's also
24 something that you learned about after you were
25 terminated.

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1 them.

2 MR. ADAIR: No, I disagree. I think
3 that you're -- he testified exactly what he said.
4 And, I mean, that's your testimony. That certainly
5 isn't their testimony. It's Mr. Brewer's --

6 MR. YARNELL: I never spoke to them.
7 I don't know what it is they're saying. I'm just
8 saying what I understood Mr. Brewer to say.

9 MR. ADAIR: With all due respect, I
10 don't want your testimony, I want his words. So I
11 appreciate that.

12 MR. YARNELL: It's lovely speaking to
13 you.

14 MR. ADAIR: I'm sorry?

15 MR. YARNELL: I said it's been lovely
16 speaking to you.

17 MR. ADAIR: And I'm sorry, it's
18 getting late and I'm getting testy. I apologize.

19 MR. YARNELL: I get testy as well. Go
20 ahead.

21 BY MR. ADAIR:

22 Q. You said that Pete Fox didn't want to be
23 put in that spot. Who else said they didn't want to
24 be put into that spot?

25 A. Lenny Gravish.

1 A. Um-hum.

2 Q. Was there anything that you knew about,
3 any discrimination that allegedly Ortiz experienced,
4 that you knew about while you were still employed by
5 Berks County?

6 A. Not that I know of because the time I was
7 employed he was in warrant division, so we didn't
8 have a chance to talk that much about it.

9 Q. Are there any other incidents that we
10 haven't discussed so far that you believe were part
11 of the hostile work environment? I'll break that
12 down. First of all, is there anything else that
13 happened to you that you haven't told me about -- and
14 we've been testifying for a long time -- that you
15 believe was part of the hostile work environment?

16 MR. YARNELL: You know what he means
17 by hostile?

18 A. Yes, at this particular moment I don't
19 recall anything else right now. I know it should be
20 more incidents but I don't recall right now because
21 right now I'm getting really -- I'm having like a
22 flashback from those times, that I don't want to
23 remember. And right now I don't recall. There may
24 be more and there are more.

25 Q. Here's the thing, this is my chance to

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1 ask you questions. If you'd like to take a break,
 2 I'll let you take a break.
 3 A. No, I want to get it over with.
 4 Q. But if you can't answer the questions and
 5 you can't remember it and if a break would help you,
 6 then I'm going to have to insist that we take a
 7 break.
 8 A. Ask me the next question. If I don't
 9 know it, then we take a break.
 10 MR. YARNELL: Can I make a suggestion?
 11 MR. ADAIR: Yeah.
 12 MR. YARNELL: What time is it?
 13 MR. ADAIR: 5:15.
 14 MR. YARNELL: How much longer do you
 15 expect to have?
 16 MR. ADAIR: I don't know. Maybe
 17 another hour, maybe less.
 18 MR. YARNELL: I have to leave here by
 19 no later than 7 -- actually I have to leave before
 20 that. I have to leave by no later than 6:45.
 21 MR. ADAIR: That's not a problem.
 22 MR. YARNELL: Your testimony has to
 23 be -- you have to be able to testify without any
 24 impairment, and that's just the way it works. So
 25 let's take a short break and we'll come back.

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June, 12 2015

I hereby certify that the
 8 evidence and proceedings are contained fully and
 9 accurately in the notes taken by me of the testimony
 10 of the witness who was duly sworn by me, and
 11 that this is a correct transcript of the same.

Suzanne L. E. Toto
 Registered Professional Reporter

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 20 The foregoing certification does not apply to any
 21 reproduction of the same by any means unless under
 22 the direct control and/or supervision of the
 certifying reporter.

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1 MR. ADAIR: Yeah.
 2 (A brief recess was taken.)
 3 MR. YARNELL: The parties have
 4 determined to conclude the deposition as of this hour
 5 due to the length of the deposition to date. By
 6 tentative agreement, the deposition will be continued
 7 until 1 p.m. Tuesday, June the 2nd, 2015 to reconvene
 8 at Berks Heim in the conference room.
 9 MR. ADAIR: Assuming that we can get
 10 the conference room.
 11 MR. YARNELL: Assuming we can get the
 12 conference room and assuming that the parties, when
 13 they return to their offices, can verify that their
 14 schedules are as they perceive them to be.
 15 MR. ADAIR: Agreed.
 16 (Deposition concluded at 5:39 p.m.)
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